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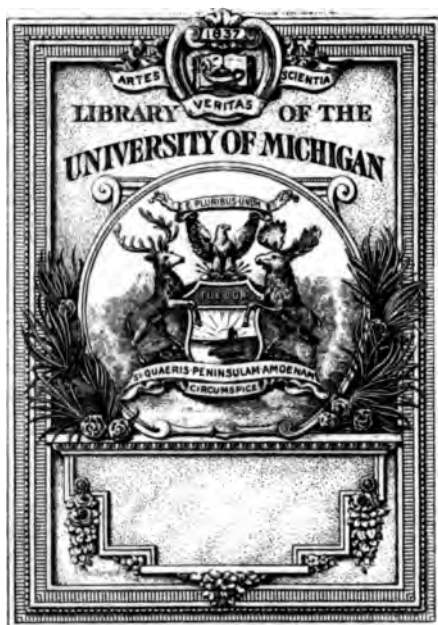
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THE GIFT OF
Paul H. Adams

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New York State Library

MELVIL DEWEY Director

YEARBOOK OF LEGISLATION 1904

EDITED BY

Robert H. Whitten *Sociology Librarian*

LEGISLATION BULLETIN 23, DIGEST OF GOVERNORS MESSAGES 1904

24, SUMMARY AND INDEX OF LEGISLATION 1904

25, REVIEW OF LEGISLATION 1904

ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1905

Price \$1

STATE OF NEW YORK
EDUCATION DEPARTMENT

Regents of the University

With years when terms expire

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1906	ST CLAIR MCKELWAY	M.A. L.H.D. LL.D.	D.C.L.		
	<i>Vice Chancellor</i>	- - - - -	- - - - -		Brooklyn
1908	DANIEL BEACH	Ph.D. LL.D.	- - - - -		Watkins
1914	PLINY T. SEXTON	LL.B. LL.D.	- - - - -		Palmyra
1912	T. GUILFORD SMITH	M.A. C.E. LL.D.	- - - - -		Buffalo
1905	ALBERT VANDER VEER	M.D. M.A. Ph.D. LL.D.	-		Albany
1907	WILLIAM NOTTINGHAM	M.A. Ph.D. LL.D.	- -		Syracuse
1910	CHARLES A. GARDINER	Ph.D. L.H.D. LL.D. D.C.L.			New York
1915	CHARLES S. FRANCIS	B.S.	- - - - -		Troy
1911	EDWARD LAUTERBACH	M.A.	- - - - -		New York
1909	EUGENE A. PHILBIN	LL.B. LL.D.	- - - - -		New York
1916	LUCIAN L. SHEDDEN	LL.B.	- - - - -		Plattsburg

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New York State Education Department

State Library Bulletin

LEGISLATION

No. 23-25 Vol. 6

- 23 DIGEST OF GOVERNORS MESSAGES 1904
- 24 SUMMARY AND INDEX OF LEGISLATION 1904
- 25 REVIEW OF LEGISLATION 1904

ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1905

1

1. The first part of the document is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the Corporation.

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A general index to the three bulletins will be found at the end of the volume.

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State Library Albany N. Y. Oct. 18, 1904

Hon. A. S. Draper

Commissioner of Education

DEAR SIR: The annual Digest of Governors Messages, the third of its series, is transmitted herewith and recommended for publication.

As a contribution to better organization of material for comparative study of state government and laws the State Library now issues three annual bulletins: Digest of Governors Messages, Summary and Index of Legislation, and Review of Legislation.

The Digest of Governors Messages is a topical digest covering all the states and including related topics in the president's message. The Summary and Index of Legislation is a minutely classified summary or index of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional. The Review of Legislation contains contributions from specialists in all parts of the country reviewing governors' recommendations and laws enacted on each important subject.

These three closely related annuals are bound together to form the Yearbook of Legislation.

MELVIL DEWEY

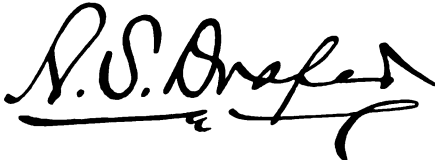
Director

State of New York

Education Department

COMMISSIONER'S ROOM

Approved for publication

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a stylized flourish underneath.

Commissioner of Education

Oct. 25, 1904

EXPLANATIONS

Scope. The digest includes all regular messages and all special messages recommending legislation. Veto messages and messages merely transmitting documents are not included. Topics in the president's message related to those with which the states have to deal are also included. As the journals of but few of the states are received in time for use, we have to rely on the executive department of each state to furnish lists and copies of the messages.

Method. The attempt is made to include all definite recommendations concerning legislation made by the governors in the messages. Leading sentences or paragraphs are taken to show all important recommendations. These excerpts are alphabetized by state under each topic. A mere index entry is given at the beginning of each topic for recommendations of minor interest and for general or miscellaneous remarks or comment. A great many of these index entries will be found under each important subject such as Labor, Agriculture, Schools etc. In most cases when coming under these very general heads they stand for a few very general comments or a number of miscellaneous facts or statistics.

Citations. The citations give state, governor, day, month and year of message, and inclusive paging. The abbreviations used are given below. Many special messages are received in manuscript form and no page reference can be given.

Classification. The classification of the digest is the same as that used in the Summary and Index of Legislation and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there are no recommendations this subject number is skipped.

ABBREVIATIONS

ABBREVIATIONS

Months

Ja	January	Ap	April	Jl	July	O	October
F	February	My	May	Ag	August	N	November
Mr	March	Je	June	S	September	D	December

States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

N. Y. STATE LIBRARY GOVERNORS MESSAGES 1904

MESSAGES INCLUDED IN THE DIGEST

Period covered, Ap. 1, 1903 to Oct. 1, 1904. In many states when there is a change of governors a message or address is sent or delivered to the Legislature by both the outgoing and incoming governor. In the following where messages by different governors are listed for the same or very near dates, the first is the message of the outgoing governor and the second that of the incoming.

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Iowa.....	Albert B. Cummins.....	12 Ja 04	35	
Kansas.....	W. J. Bailey.....	24 Je 03	28	Flood relief
Kentucky.....	J. C. W. Beckham.....	5 Ja 04	17	Boll weevil
	W. W. Heard.....	10 D 03		
		9 My 04	71	
Louisiana.....	Newton C. Blanchard.....	16 My 04	18	Oyster industry
		10 Je 04		Judicial department
		10 Je 04		St. Louis Exposition
		24 Je 04		Terms of courts of ap-
		25 Je 04		peals
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Massachusetts..	John L. Bates	8 Je 03		Liquor laws
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		6 Ap 03	10	Schools
		20 Ap 03		
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Ohio.....	George K. Nash.....	4 Ja 04	25	
Oregon.....	Myron T. Herrick.....	11 Ja 04	9	Taxation
	George E. Chamberlain.....	21 D 03	7	
Rhode Island...	Lucius F. C. Garvin.....	5 Ja 04	16	Const. amendments
		13 S 04		
South Carolina..	D. C. Heyward.....	12 Ja 04	39	State institutions
Texas.....	S. W. T. Lanham.....	2 Ap 03		
Virginia.....	A. J. Montague.....	13 Ja 04	8	Taxation
West Virginia..	Albert B. White.....	26 Jl 04	8	Evasion of gross receipts
		23 Ap 03		tax on railroads
Wisconsin.....	Robert M. LaFollette.....	28 Ap 03	183	State regulation of rail-
				roads
		7 My 03		Maximum freight rates
		11 My 03		Appropriations
United States...	Theodore Roosevelt.....	7 D 03	36	

New York State Library

MELVIL DEWEY Director

Bulletin 90

LEGISLATION 23

DIGEST OF GOVERNORS MESSAGES 1904

INCLUDING RELATED TOPICS IN THE PRESIDENT'S MESSAGE

Ap. 1, 1903 to Oct. 1, 1904

EDITED BY

Robert H. Whitten, *Sociology Librarian*

1

LAW (GENERAL)

Statutes

See also 88, Special laws

13

Uniform laws

- a Fla. Jennings. "... I recommend that an appropriation be made commensurate to the duties devolving upon the commissioners [for the promotion of uniformity in legislation] covering their expenses and incidentals." 7 Ap 03, p.60-61

14

Comparative legislation

- a Mass. Bates. "More than two scores of states are constantly seeking solutions to the complex questions of self-government which in this busy, active age are ever being presented in new and important forms. No two states are alike; to none are the problems exactly the same. Yet one has often profited much from the experience of another, and it has been recognized by students of political affairs that among all the states of the Union there is none that has been more often in the lead in constructive legislation than Massachusetts. This has been true because her magistrates and representatives have never been satisfied that conditions could not be bettered. Whenever advancement has been made, they have always had before them ideals still to be attained. Always have they had lofty conceptions, beckoning them to further achievement. . . ." 7 Ja 04, p.3-4

CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code.

Boundary. Jurisdiction

- a La. Heard, 9 My 04, p.30. Md. Smith, Pennsylvania and Delaware boundary lines, 6 Ja 04, p.21-22. U. S. Roosevelt, Alaskan boundary, 7 D 03, p.10-12.

Statistics

See also 938, Vital statistics; 1832, Agriculture

Bureaus of statistics

See also 2041, Labor

- a Ia. Cummins. "... I ... recommend that the commissioner of the Bureau of Labor Statistics be authorized to cooperate with the National Census Department in certain matters relating to manufactures. . . " 12 Ja 04, p.18

Census

See also 2274, School census

- a Ia. Cummins. "... the Constitution requires the General Assembly to cause an enumeration to be made of all the inhabitants of the state in 1905. . . The Code of 1897 repealed former regulations respecting the taking of the census, and limits the work to the ascertainment of the number of males, females, persons entitled to vote, and the number of the militia. . . The census to be taken next year should be a complete compendium of all the knowledge that the most modern view demands for such a work. I therefore recommend that the statute be so amended and that such an appropriation be made as will enable the proper officers to issue a census report, adequate in its scope, and complete in its detail." 12 Ja 04, p.17-18
- b Mass. Bates. "The law requires that a decennial census of the voters, population and industries of the state be taken in the year 1905. While the Bureau of Statistics of Labor is charged with this duty, new legislation will be required in order to enable the bureau to obtain the best results. . . ." 7 Ja 04, p.21
- c N. Y. Odell. "By the terms of the Constitution, article 3, paragraph 4, an enumeration of the inhabitants of the state is to be taken under the direction of the secretary of state in the months of May and June, 1905. . . ." 6 Ja 04, p.37

30

Constitutions

32

Revision

- a R. I. Garvin. Calling of a constitutional convention recommended. 5 Ja 04, p.13
- b Va. Montague. "The new Constitution saliently declares for: (1) a new electorate, imposing honest elections and an honest discharge of public duties; (2) simplification and unification in the administration of justice; (3) new sources of taxation with a more just distribution of its burdens, together with the regulation of semipublic agencies; (4) and a broader base for free public education." 13 Ja 04, p.3

33

Amendment

- a R. I. Garvin. "For several years an amendment to the Constitution, so drawn as to confer upon 5000 voters the power to propose future constitutional amendments, has been before the General Assembly. Two years ago the passage of that amendment was petitioned for by 28 organizations in the state, including labor, reform, and religious bodies, representing many thousands of citizens. Upon these petitions no action whatever was taken. . . Certainly no one who has faith in a government by the people can logically object to the constitutional initiative." 5 Ja 04, p.6-7
- b R. I. Garvin. "The primary object of this [extra] session is to enable this General Assembly, at this juncture, to review again and to determine finally whether it will or will not at the coming November election submit to the people certain proposed amendments to the Constitution in which they are vitally interested. . . ." 13 S 04, p.3
- c R. I. Garvin. Constitutional initiative recommended. 13 S 04, p.4-5

38

State departments

See also 753, Officers; also under Finance, Public health, Charities, Education, etc.

40

Governor

See also 782, Executive mansion; 852, Governor's contingent fund

- a O. Nash. "The governor, by virtue of his office, is a member of the board of trustees for the Ohio University at Athens. In my

judgment, it is bad policy to have the governor of the state act with other gentlemen as trustees of any of the state institutions. . ."

4 Ja 04, p.12

45 Veto

- a O. Herrick. "For the first time in the history of Ohio, by the vote of the people at the last election, the Constitution was so amended as to confer the veto power upon the governor. . ."

11 Ja 04, p.4

- b R. I. Garvin. Modified veto power for the governor recommended.

5 Ja 04, p.13

- c R. I. Garvin. "If there is any one opinion connected with the state government upon which the voters of this state are in agreement, it is the veto power. . . This proposition, in the exact form in which it was drawn by the commission to revise the Constitution, is now pending before the Senate. It provides that the governor's veto may be overridden by a majority of all the members elected to each house. . ."

13 S 04, p.7

46 Appointments.

- a La. Blanchard. "Much has been said in the public press and among the people throughout the state, and by the speakers in the campaign preceding the primary election on the subject of the reduction of the appointive power of the chief executive office by relegating to the people the filling by popular vote of offices under the state government that are now filled by appointment of the governor. . . I recommend that action on this line be taken. Two places, the occupants of which form part of the force of the general state government, to wit: the register of the land office and the commissioner of agriculture, are named by many as positions that should be filled by election. . . So, too, a large portion of the people think assessors and parish school board members should be elected. . . I recommend that a special joint committee of the two houses be appointed to deal with the question, and also to inquire into and ascertain if it be true, as has been charged, that useless offices, or sinecures exist under the state government or those of the parishes, or under any of the boards created by statute. . ."

16 My 04, p.10-11

- b Mass. Bates. ". . . A completely harmonious system can not be expected where heads of departments are elected separately, and are in no wise responsible to, but, on the contrary, are independent of, both the governor and each other. . . Were we to contrast the state with the national system, with the experience of the federal government before us, we should unquestionably favor the national system, where responsibility is fixed in the president, and where that responsibility is made possible by giving to him

the power of appointing the heads of the chief departments of state.

A year's experience convinces me that there have been other restrictions placed upon the executive, which not only were not demanded by the Constitution, but are probably inconsistent with it. . . . The legislation to which I refer requires the governor, elected for one year, to appoint men to do executive work, whose term of office may be three years, five years or eight years. Thus the governor in fact projects his influence through a much longer period than that for which he was elected, and at the same time limits the executive power of the one who succeeds him. . . . I believe it would have been better, would have resulted in more uniformity, would have in some cases been less expensive because preventing the multiplication of unnecessary offices and clerks, and would have been more in accord with the ideas of those who drafted our Constitution, to have provided for the carrying on of the work of these commissions by the executive, through subordinate agencies immediately responsible to him. We shall return to such a system eventually, and I call your attention to it now, that in future legislation the principle may be recognized, if it meets with your approval; and that whenever new work is undertaken, or a new line of activities pursued, it may be done in such a way as to insure responsibility to the people through the executive."

7 Ja 04, p.46-49

- c Miss. Vardaman. The curtailment of the appointive power of the governor and enlargement of the elective privilege of the people, recommended.

19 Ja 04, p.13

- d R. I. Garvin. Restoration to governor of power of appointment recommended.

5 Ja 04, p.13

49

Secretary of state

- a Fla. Jennings. ". . . The secretary of state is overburdened with work and it is impossible for him to perform except in a slight degree the duties and functions of his office with his present force . . . "

7 Ap 03, p.22

50

Attorney general

- a Fla. Jennings, 7 Ap 03, p. 46. La. Heard, 9 My 04, p.29-31.
- b La. Heard. ". . . By placing the legal affairs of these boards [located in New Orleans] under the control of the attorney general, at the same, or even at less allowance than is now paid to their individual attorneys, he could employ such assistance as might be necessary for the proper conduct of his office without detriment or impairment to the legal interests of the boards." 9 My 04, p.30
- c O. Nash. ". . . I deem this a good occasion to call attention

Institutions

50-60

N. Y. STATE LIBRARY GOVERNORS MESSAGES 1904

to the need of centering the responsibility for the conduct of all litigation and the performance of all legal services for the state, or any of the departments thereof, in its chief law officer, the attorney general. There is no reason, in my judgment, why the attorney general of the state should occupy any different relation to it, or to any of its departments, than that of the attorney general of the United States toward the general government and its departments. . . ."

4 Ja 04, p.19-20

- d O. Herrick. ". . . In my judgment, all of the legal business connected with the affairs of the state in its various departments should be administered through the office of the attorney general. . . ."

11 Ja 04, p.4

51

Other officers and boards

Departments of agriculture are classified under Agriculture, departments of education under Education, etc.

54 State chemist

- a Fla. Jennings, 7 Ap 03, p.51.

59

Special investigations

- a N. J. Murphy. "In accordance with the authority given me, I have appointed various commissions to investigate certain important matters of interest—the Morris Canal Commission, the Tene-ment House Commission, the Woman's Reformatory Commission and the Passaic Flood Commission. . . ."

12 Ja 04, p.17

60

State institutions

See also 335, Corrections; 2140, Charities; 2220, Education

- a Ga. Terrell, 24 Je 03, p.13-14. Ga. Terrell, 22 Je 04, p.18. N. J. Murphy, 12 Ja 04, p.9-10.
- b O. Nash. "In 1903, the total amount of expenditures for the needs of the state was \$5,435,873.05, and of this sum, \$3,797,465.44 was expended for the support, permanent improvement and repair of our penal, reformatory and benevolent institutions, or nearly 70% of the whole amount. I can not conceal a conviction that there has not been the economy and prudence exercised in caring for these institutions and their expenses that there should have been . . . I recommend that this General Assembly enact a law, making it obligatory upon all the institutions of the state to purchase their supplies by some practical and effective method of competitive bidding. . . . From my experience I believe that by

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prudence and by competition in the purchase of supplies, as well as by economical use of the supplies, the total annual expense of our 17 institutions can be reduced by at least 20%. . ."

4 Ja 04, p.12-13

- c O. Herrick. ". . . All successful business enterprises have a system of competitive bidding for the furnishing of supplies. . . There is . . . necessity that such a method be put in practice in our state institutions, and I recommend this subject to your earnest consideration."

11 Ja 04, p.6

63

State boards and officers

- a Ia. Cummins. "The work of this Board [of Control] still vindicates the wisdom of the law creating it, and still commands the confidence of the people. . ."
- b R. I. Garvin. Women's Board of Visitors recommends that a woman be placed on the Board of Charities and Corrections.

12 Ja 04, p.20

5 Ja 04, p.14

- c Va. Montague. "The institution of a board of charities and corrections, with powers similar to like boards of many other states, is most earnestly recommended. . . The civilization of a people can hardly be better gaged than by the method and treatment of the insane. As Virginia was the first state in the world to treat insanity as a disease, she should not be among the last to adopt the most enlightened methods."

13 Ja 04, p.7

66

Public documents. Printing

67

General

- a Ia. Cummins. "We have now erected a warehouse in which all the public documents can be placed, and have arranged to equip it with shelves so that these documents may be kept something after the manner of a library. I recommend that the law be so amended that all public documents shall be delivered by the state printer and binder to the Executive Council, and that all bills for printing and binding shall be passed upon by the council; that under the supervision of the council, the distribution of documents as now provided, shall be made; that a certain number of each issue, say 200, shall be kept for future uses, and that the remaining volumes of each report shall be distributed by the council upon requisition of the officer, department, board or commission issuing it. If these changes be authorized, we can preserve order in our public documents, an order which is sadly needed for their safe-keeping and proper distribution."

12 Ja 04, p.18

77

Legislature

84 United States senators

- a Va. Montague. "A democratic form of government plainly demands the direct voice of the people in the selection of all legislative and chief executive officials. Such direct expression of popular will now exists save in the election of federal senators and the president. . . . As respects senators in Congress an adequate remedy is afforded in some of the states by the primary system. No objection obtains against a primary which does not also obtain against a regular election. . . ."

13 Ja 04, p.4

88

Special laws

- a Mass. Bates. "Special legislation is objectionable; many state Constitutions forbid it. . . . Whenever possible, laws should be framed to cover whole classes of cases, and petitioners for particular acts should be referred to those laws." 7 Ja 04, p.45
- b N. Y. Odell. "The Legislature annually passes many bills under the guise of general acts which in effect are purely local in their character. . . . In prior messages I have directed the attention of the Legislature to this subject and have requested the framing of bills which would enable localities to take advantage of general statutes rather than special acts. This is particularly true of measures having to do with bond issues, the legalizing of the acts of notaries, amendments to village and city charters, and permission to go to the Court of Claims. It would seem that general statutes ought to be provided whereby some authority would be empowered to act upon these matters without the necessity of recourse to the Legislature. These statutes which are intended apparently for specific cases sometimes have very serious general effects. . . ."
- 6 Ja 04, p.35
- c O. Nash. "The same defects which formerly existed in the municipal laws of Ohio are still found in the school laws of the state, in the laws regulating the registration of voters and the conduct of elections, and in those affecting the organization of counties and the compensation of county officers. It is very important that the unconstitutional features of these sections of the Revised Statutes should be eliminated, and that laws should be enacted, uniform in their operation and obedient to the plain commands of the Constitution of the state. . . ."
- 4 Ja 04, p.17-18

105

Legislative procedure

106

Bills

- a Ky. Beckham. ". . . Under the former Constitution it was possible in one day for a bill to be introduced, passed in both

houses, signed by the governor, made a law, and probably not half a dozen members in all had the slightest idea as to what the bill contained. This power was frequently abused and was the source of much mischief and wrong; but the present Constitution has radically reformed the practice, and under the new system every proposed measure of legislation is subjected to the most rigid scrutiny both by the members and by the people. . . Following the constitutional requirements, it now takes nearly two weeks for a bill, even under the most favorable auspices, to get through the tortuous track of legislative routine and enactment into law. . ."

5 Ja 04, p.7-8

109

Financial procedure

- b Tex. Lanham. ". . . A careful specification and itemizing of the sums to be expended and the particular purposes to which they are to be applied is respectfully suggested. Separation rather than massing the subjects of appropriations and the amounts of expenditure, wherever the same can be accomplished, will, it is believed, conduce to economy in the many branches and divisions of the public service. Appropriating money in lump sums, intended for special and different purposes, with an unlimited discretion and undefined extent of authority upon the part of those who disburse them, should be avoided as far as practicable, and methods in keeping with strict business principles observed. . ."

2 Ap 03, House Journal, p.4

112

Committee procedure

- a R. I. Garvin. "For the past two years nearly all of the important measures introduced by the minority have been held in committee and refused any consideration whatsoever upon the floor of the House of Representatives. To say that this unprecedented procedure is a maltreatment of representatives and their constituents, and unfair to the whole people of the state, is to put in very mild terms an injury which should never be repeated." 5 Ja 04, p.12

113

Sessions

- a Mon. Toole. "The Constitution requires the governor to embrace in his proclamation [for a special session] the legislative subjects to be considered, and this was intended to apprise the public at large of what might be expected, so that by discussion in the press and otherwise, public sentiment might crystallize and find expression. It is true that provision is made by which the executive can, in his judgment, extend the scope of legislative power by special recommendations, but this should be done only in cases of special character which do not run counter to the reason of the rule requiring publicity by proclamation."

1 D 03, p.3

113

- b **R. I. Garvin.** "Neither the Legislature of Rhode Island, nor of any state, should convene for general legislation between the November election and the January session. It is wholly unnecessary, dangerous to the public weal, and every legislator favoring it should fail of reelection. . . ." 13 S 04, p.9
- c **S. C. Heyward.** "A bill to amend our Constitution, providing for biennial sessions of our General Assembly, at your last session was passed by the Senate, and is now pending in the House. . . the adoption of biennial sessions would result in a considerable saving to our state . . . In very few states of the Union now do the Legislatures meet annually, and I know of no peculiar condition in South Carolina that requires our General Assembly to do so. This is a very important business matter, involving, however, more than financial considerations, and I trust and believe it will have your full and careful attention." 12 Ja 04, p.38-39

116 Citizenship. Civil and political rights

See also 128, Suffrage

118 Naturalization

- a **U. S. Roosevelt,** naturalization frauds, 7 D 03, p.6-7.

125 Elections. Political parties

See also for term of office, vacancies, etc. the various officers under state and local government

126 General

- a **La. Heard.** "The secretary of state calls attention to certain complaints relative to the election law, principally section 65, applying to municipal elections in towns of less than 2500 inhabitants. He also recommends the correction of section 55. I concur in his recommendations . . ." 9 My 04, p.7
- b **O. Herrick.** ". . . From time to time various laws regulating the conduct of elections have been passed by the General Assemblies, some of which appear conflicting, and others which, in their operation, have become cumbersome and are incentives to illegality. I recommend to your consideration the subject of revising the laws governing primaries and elections, and the codifying of all statutes bearing upon the same." 11 Ja 04, p.7

128 Suffrage; qualifications

129 General qualifications

- a **R. I. Garvin.** The granting to registry voters in cities the right to vote for city council, recommended. 5 Ja 04, p.13



130

Property. Poll tax

- a **R. I. Garvin.** "Another amendment . . . confers upon registry voters the right to vote in the election of city councils. . . In the five cities of the state the total number of property voters last year, which is approximately correct for this year, was 21,105; the total number of city registry voters now upon the lists is 33,096. It therefore appears that three fifths of all the voters in the cities are denied the right to vote for those officials who are nearest to them and possess the most power over their daily lives. . ."

13 S 04, p.6

134

Nationality. Race

- a **Miss. Vardaman.** ". . . That the negro was created for some good purpose, time has demonstrated; but that good purpose is not participation in the government of white men. . . The nation should act in this matter and act now. . . In the meantime the southern states must protect themselves. . ."

19 Ja 04, p.7

146

Women

- a **Mass. Bates.** ". . . Many of my predecessors, including in recent years Governors Claflin, Washburn, Long, Butler, Ames and Greenhalge, have . . . earnestly advocated the granting of the suffrage to women. . . They are equally interested in the economic and efficient management of civic affairs. They should have the same right as men, if they so desire, to vote for those who are to represent them in that management,—and that, too, irrespective of the question whether other women similarly situated desire to exercise that right. . . I respect that conservative feeling entertained by many, who, while not convinced either as to the benefit or the harm that would result from a complete extension of the suffrage to women, fear the consequences involved therein. . . I therefore recommend that you grant to women the right to vote for municipal officers. . ."

7 Ja 04, p.30-31

149

Corrupt practices. Election offenses

151

Corruption and miscellaneous offenses

- a **R. I. Garvin.** ". . . Information comes to me from various sources that at the recent general election many electors went to the polls in a state of intoxication. I therefore recommend that you pass a law forbidding the sale of intoxicating liquors on election day, in any town or city, until after the hour of the closing of the polls in that town or city."

5 Ja 04, p.8

Nominations

153-60

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153

Bribery

See also 250, Crimes against the government

- a **R. I. Garvin.** “. . . The recent election has shown once more that, in some of our towns, the result may be altered by bribery of voters. . . I renew my recommendation of last March, that a commissioner for the suppression of bribery be appointed and that an appropriation be made for his use.” 5 Ja 04, p.7-8
- b **R. I. Garvin.** “Section 4 of chapter 14 of the general laws, which provides that upon the conviction of any person of bribery of any voter the complainant shall recover from the general treasurer \$50, should be so amended as to make the amount at least \$200. This simple change in the law will do much to make effective the efforts to stop bribery at the approaching election.” 13 S 04, p.8

160

Nominations. Parties

- a **Fla. Jennings.** “The Democratic State Convention held at Jacksonville, beginning on the 19th day of June, 1900, in its platform unanimously adopted, did declare and provide for the nomination of all candidates for office, both state and county, and of United States senators, by a majority vote, in white Democratic primary elections, held under the provisions of law, which shall provide all possible protection against fraud, bribery, intimidation and other vicious influences; said primaries to be uniformly held throughout the state on the same day; and did pledge the party to the passage of all laws to that end. The Legislature (session of 1901) enacted a law (chapter 5014) on this subject, thus firmly establishing the primary system for nominating candidates for any office under the laws of this state, and for nominating delegates to political conventions. The primary held for the nomination of candidates at the general election, 1900, and the general primary election for the nomination of state and county officers (elective), representatives in Congress and United States senators, in July, 1902, by the Democratic party, has met with universal commendation. Much complaint has been made about the provision of the law requiring the payment of poll tax as a prerequisite to participation in a party primary election, and, as it is apparent that this tax was not intended as a party measure, I, therefore, recommend that this feature of the law be repealed.” 7 Ap 03, p.46-47
- b **Ga. Terrell.** “I call your attention to and invite your consideration of the growing sentiment in our state in favor of placing around our primary elections every safeguard necessary to make them absolutely fair in every particular. These elections are now practically the equivalent of general elections in Georgia, and no

voter should be allowed to vote therein unless constitutionally and in pursuance of law eligible to do so, and every vote deposited should be sacredly guarded, and with scrupulous honesty counted. I recommend, therefore, that you pass an act making all election and registration laws extend to primary elections—municipal, county, state and federal—so far as the same may be applicable, and provide for the infliction of appropriate penalties upon any person violating any of said laws in registering for or voting at such primary election. Appropriate legislation should also be enacted providing for contests before proper executive committees of the party, and giving authority to said committees, or under their direction, to subpoena witnesses, administer oaths, and do such other acts as may be necessary under the rules and regulations of the party, to ascertain or declare the person or persons entitled to receive the nomination of the party, and to provide for appeals. The pay of managers holding the elections, and the clerks serving thereat, should, in the case of primaries, as in general elections, be borne by the counties or state, and the use of money, by a candidate for office, to influence voters to support him, should render him ineligible to hold office. . . .”

22 Je 04, p.3-4

- c Ia. Cummins. “There has been much discussion in Iowa during the past few years respecting a primary election law, and I believe that public opinion has gradually ripened so that now there is a great preponderance of sentiment in favor of some regulation that will insure common decency and fairness in the nomination of candidates for office. There is practically no fraud, dishonesty, or even unfairness in the conduct of general elections, but the manner in which caucuses, party primaries, and other proceedings leading up to nominations are held; and the practices which attend them in many parts of the state, have become intolerable with clean, fair-minded people. . . . While I recognize that there are wide differences of opinion concerning the scope, as well as the detail of such a law, I venture to express the opinion that it should have the following features: 1st—It should include all municipal, county, state, and congressional offices, filled by the voters. 2d—The primary election for all political parties should be held at the same place and time. 3d—It should include a system of registration, where registration is now required at general elections, and where registration is not required at general elections, it should include an adequate plan for identifying the voters. 4th—It should provide severe penalties for fraud, intimidation and bribery. The greatest objection which I have found in studying the measures adopted by other states, and the subject

generally, has been that in the complete primary election system, a plurality, instead of a majority, will nominate. I regard this as a weakness, because it prevents in some instances the exercise of a second choice, which is oftentimes of great value. It seems to me, therefore, that the delegate convention ought to be preserved, and that the law should arrange for the selection of delegates. If any candidate, whether for a city, county, state or congressional office, receives a majority of the votes cast in the territory which fills the office, the delegates chosen would have no other duty but to record the decision of the voters. If, however, no candidate receives a majority of the votes cast by his party, then the delegates chosen with the instructions given them by the vote, should work out in the convention their second choice."

12 Ja 04, p.15-16

- d La. Blanchard. "The State Central Committee of the Democratic party (the dominant political organization of the state) ordered a primary election to nominate the candidates of that party for positions on the state ticket. It was the first time its candidates for state positions were so nominated. . . In the long campaign preceding the primary election, and in the conduct of the election, it was found that the present law relating to primary elections is entirely inadequate to their proper relation. It is recommended that a new statute be enacted controlling and regulating primary elections and providing, in part at least, for the expenses of the same. Such a law should carefully provide that none but bona fide adherents and supporters of the party holding the primary should be eligible to vote thereat, and should punish with adequate penalties those who are guilty of bribery, or of frauds in the conduct of the election . . . A primary election held to nominate candidates of a political party for state positions should be separated from primary elections held to nominate local candidates in parishes or districts. . . Political campaigns are too long drawn out in Louisiana. . . The law can and should regulate this. It can be done by prescribing that the central or general committee of a political party shall not meet to order state nominations before a certain time (to be fixed) prior to the date of the legal or regular election, and that no local party committee shall meet to order local nominations until after the central committee of such party shall have met and ordered state nominations. The Constitution of the state provides for the election of district judges and district attorneys at a time distinct and separate from the state and parochial officials. . . Nominating judges and district attorneys, who were to be voted for at one and a more remote election, at the

same time with other officials, who were to be voted for at another and nearer election, was an avoidance and contravention of the purpose and intent of the Constitution, and was an abuse. It is recommended that separation of judicial nominations from other nominations be enforced by legal enactment."

16 My 04, p.11-12

- e **Miss. Vardaman.** Amendment of primary election law by eliminating the electoral and plurality features, and prescribing the severest punishment for the improper use of money and other fraudulent methods to control the elections recommended. 19 Ja 04, p.14
- f **N. J. Murphy.** "What is known as the primary election law, passed by the last Legislature, had its first trial last fall. . . The law is not quite perfect, and can be improved by some slight amendments, which will doubtless be offered during the session."

12 Ja 04, p.16

- g **N. Y. Odell.** ". . . During the past year the Supreme Court of the first department decided there was no power vested in the court to remove from the enrolment lists nonresidents. or illegal voters. While the right of challenge obtains, yet this method of reaching those who were not entitled to vote was not thought to be sufficient to properly guard the interests of those who were honestly entitled to participate in primaries. So far as the registry lists for all general, special and local elections are concerned, the right of review rests in the courts, and they may order stricken from the rolls the names of nonresidents and others whose names remaining upon the list might prove a temptation for illegal voting. The same rule should apply to primary elections, and the deficiencies which exist in the present law should be supplied by amendment to the general law."

6 Ja 04, p.21

- h **O. Nash.** "There is a necessity for the enactment of laws governing primary elections in this state. . . Abuses in the conduct of primary elections have been frequent and disgraceful in some of our cities and in other parts of the state. In many precincts, as the primaries are now conducted, more votes are often cast by one party at its primaries than are cast by both parties at the general election. The system now in vogue invites corruption and fraud, and I earnestly recommend that some method for controlling these primary elections be devised that will render them fair and honest."

4 Ja 04, p.19

- i **Va. Montague.** "I . . . recommend a general primary law, analogous to the principles and methods of general elections, operative upon the sanction of party authorities, thereby permitting the people to have a direct voice in party nominations or elections."

13 Ja 04, p.4

Registration

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Ballots. Voting

175

General. Ballot reform

- a N. Y. Odell. "I again direct your attention to the increasing number of defective ballots cast at elections throughout the state, and the virtual disenfranchisement of many voters which thereby results. In the hands of dishonest people technicalities often are taken advantage of to destroy ballots. . ." 6 Ja 04, p.22

185

Voting machines

- a N. J. Murphy. "At the last session of the Legislature a law was passed providing for the introduction of voting machines in the state, and a commission was appointed charged with the duty of examination and selection of 81 machines. . . These machines were distributed under the direction of the secretary of state to various polling districts throughout the state, and the result of their use has elicited the most favorable reports from all the districts wherever used, without exception. The advantages of the voting machine are now generally recognized, and their use is increasing rapidly. I suggest to the Legislature that if it is not thought advisable, because of the expense, to appropriate a sum sufficient to provide every polling district in the state with a machine, that provision be made for one half or one third, so that within two or three years the state may be fully equipped with this desirable method of registering the vote." 12 Ja 04, p.11-12

187

Registration

- a La. Heard. Recommended that present registration be continued for election in 1904. 10 D 03, House Journal, p.7
- b N. Y. Odell. "In the larger cities it has been deemed wise in order to more clearly fix methods for the recognition of voters that certain questions should be put to the voter upon presenting himself to the board of registry, the object being to provide absolute identification as well as to establish his right to participate in the election at which he seeks to vote. . . While the question is put 'Where did you last vote', there is lacking the general query which this question was undoubtedly intended to form a part of, 'Where and when did you last vote?' A truthful answer to this question and an insistence upon correct answers to all other queries would determine whether or not the voter was a resident within the meaning of the law as a qualified

elector and as such was entitled to exercise the right of franchise. . .” 6 Ja 04, p.21-22

199

CRIMINAL LAW

Penal Code and Code of Criminal Procedure

200

General

- a La. Heard, 9 My 04, p.32.

202

Criminal procedure

203

Apprehension, prosecution, indictment208 **Reward**

- a Ga. Terrell. “The annual appropriation of \$2000 made by the Legislature for the apprehension of fugitive criminals is wholly inadequate. . .” 22 Je 04, p.20

224

Judgment. Sentence. Execution

226

Expenses. Costs. Fines

- a Ky. Beckham. “You should . . . examine the figures in the reports in regard to the costs of criminal prosecutions and see to what an extent these expenses have grown. If you would compel the county to share in some of these expenses, then the county and district officials would not be so careless about incurring them. . .” 5 Ja 04, p.18

228

Sentence. Execution*See also 363, System of sentencing and reform*229 **Electrocution**

- a N. Y. Odell. “If the present law which provides for electrocution is to remain in force, and there seems to be no immediate possibility of its modification, then the state should erect a central prison for condemned prisoners. This would permit a certain amount of freedom which the state owes in the way of exercise and which it is impossible to give under existing conditions. . .” 6 Ja 04, p.23

234

Crimes and offenses

- a N. Y. Odell. “. . . So many inequalities and so much injustice results under our present [penal] statutes, that it would seem

Penal institutions

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desirable that a commission, to be appointed either by the Legislature or the executive, should take up this work and give to it careful consideration, with the end in view of making the Penal Code and prison administration more practical than they are today. . ."

6 Ja 04, p.22-23

236

Crimes against the government

250

Bribery

See also 153, Elections

- a U. S. Roosevelt. "Steps have been taken by the State Department looking to the making of bribery an extraditable offense with foreign powers. . ."

7 D 03, p.9

335

Corrections

See also 60, State institutions; 2140, Charities

- a Fla. Jennings. "The commissioner of agriculture is given the supervision of state prisoners by the Constitution. As will appear by the commissioner's report, there are more than a thousand state prisoners located in the various counties. . . The present compensation of the supervisor of state convicts . . . is inadequate. . ."
- b Mass. Bates. "The prisoners in the state institutions have been well employed, but in many of the houses of correction there have been periods of idleness. Work for the inmates of county prisons is continually growing more uncertain and unsatisfactory. . . . Acting under the provisions made by the last Legislature, a large tract of land has been taken, plans for a dormitory are being prepared, and by April it is confidently expected that the camp will be ready. Should the plan prove successful, it will open not only possibilities for the wholesome and strengthening employment of prisoners, but also for the addition to the assets of the state of sources of considerable revenue in the future, through the reclamation of land for farm and forest purposes."

7 Ap 03, p.21

7 Ja 04, p.17-18

337 State boards

- a Miss. Vardaman. Abolition of Board of Control and substitution therefor of a department under the direction of one man, whose duty it shall be to direct and supervise the working of the convicts recommended.

19 Ja 04, p.13

340

Penal institutions

341

State prisons, government and maintenance

- a Ky. Beckham, 5 Ja 04, p.14. La. Heard, 9 My 04, p.37-40. Md. Smith, 6 Ja 04, p.39-40. S. C. Heyward, 12 Ja 04, p.19-20.

CRIMINAL LAW CORRECTIONS

- b **N. J. Murphy.** "The State Prison has become overcrowded. Over 300 cells are each occupied by more than one prisoner, and some relief is urgently called for. . . ." 12 Ja 04, p.8
- c **N. Y. Odell.** "For humanitarian reasons ample provision should be made at once for remodeling the present state prisons. That source of disease, the foul, damp and unhealthy cell should be relegated to the past. . . ." 6 Ja 04, p.22

343 Reform schools and reformatories

346 Reform schools

- a **N. Y. Odell,** home for juvenile delinquents at Randall's Island, 6 Ja 04, p.19-20.

347 State reformatories

- a **Ky. Beckham,** 5 Ja 04, p.14. **N. J. Murphy,** Rahway reformatory extension, 12 Ja 04, p.8. **S. C. Heyward,** 12 Ja 04, p.20.

348 Local institutions

- a **Mass. Bates.** "Many years ago it was provided by statute that the expense of supporting a prisoner in a jail or house of correction should be paid by the prisoner himself, by his parents or guardian, or by the town or city where he had a settlement. For a long time, however, no serious attempt has been made to enforce this law, and I respectfully suggest that it be repealed, or that some further act be passed to secure its enforcement."

7 Ja 04, p.18

352 Convicts

354 Convict labor

356 Contract and lease system

- a **Ga. Terrell,** 22 Je 04, p.12-13.
- b **Fla. Jennings.** "The present law provides that the sum arising from the hire of . . . state prisoners shall be distributed to the counties in proportion to the number of state prisoners sentenced from each county to the state penitentiary. . . If the proceeds of the hire of the state prisoners is to be applied on the theory of paying the cost of the criminal prosecutions, I suggest that it would only be just that one half of said proceeds be turned into the general revenue fund of the state, and the other half distributed among the various counties. . . ." 7 Ap 03, p.44-45

361 Criminal insane

- a **Ga. Terrell.** "There are between 30 and 40 patients in the State Sanitarium belonging to that class usually referred to as

Sentencing and reform

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criminal insane. The dictates of humanity, as well as the proper enforcement of the law, call for a complete separation of the innocent insane from the criminal insane.

Suitable provision can be made for this class of unfortunates . . . by authorizing the Prison Commission to erect upon the Prison Farm near Milledgeville, a building to be used as the hospital for criminal insane. . . ."

24 Je 03, p.9-10

363 System of sentencing and reform Parole. Pardon

370 Indeterminate sentence

- a Ia. Cummins. ". . . My experience has deepened my conviction that the parole system ought to be preserved, but in so saying, I am quite conscious that it ought also to be perfected. Assuming that the discretion, which must be reposed somewhere, is properly exercised, the system has one serious defect. Whenever a prisoner is paroled, there is an interference with the judgment of the court. . . . I believe that the parole should be consistent with the execution of the sentence imposed by the court, indeed, should carry out the sentence. To accomplish this, it is evident that some phase of the plan of indeterminate sentences should be adopted. . . ."

12 Ja 04, p.12-13

- b R. I. Garvin. ". . . Supplementary to the probation law and to the present law admitting of conditional pardons, I recommend the passage of an act—to be made retroactive, if possible—providing for indeterminate sentences and parole."

5 Ja 04, p.9

371 Juvenile offenders. Juvenile courts

See also 346, Reform schools; 2172, Children

- a Fla. Jennings. ". . . I recommend that a law be enacted . . . authorizing incorrigible children to be sent [to the reformatory school] without conviction, for an indefinite period. . . ."

7 Ap 03, p.46

- b Ga. Terrell. ". . . Georgia may greatly improve her convict system, by making suitable provision looking to the separation of her juvenile convicts from contact and association with her hardened criminals. . . . I recommend legislation looking to the creation of juvenile courts in the principal cities of the state, and establishing reformatories for violators of the law by persons under the age of 16 years. . . ."

22 Je 04, p.12

- c Ia. Cummins. ". . . I beg to call your attention to the movement which is now general throughout the country, to better care for the boys and girls who are led into crime. . . . By far

CIVIL LAW PROPERTY

the greater number of the boys and girls who are arrested and convicted, could be saved from lives of wrongdoing, if intelligent and merciful supervision were exercised at the time they first violate the law. . . . There is no subject which better deserves your careful thought than this." 12 Ja 04, p.13-14

- d **Mass. Bates.** "It has come to my attention that several of the judges of the courts hesitate to send boys, whose worst offense seems to be that they have not been surrounded with such environment as to give them a proper start in life, to the Concord Reformatory. . . . Would it not be wise to give the judges the right to exercise their discretion in sending boys between the ages of 15 and 20 to either the Lyman School or the Concord Reformatory, as they deemed best for the boys' welfare?"

7 Ja 04, p.18-19

373 Pardons

- a **La. Blanchard,** 16 My 04, p.15. **Md. Smith,** 6 Ja 04, p.9.
- b **Ia. Cummins.** "I do not believe that a board of pardons is necessary. So long as the governor is required, under the Constitution, to take the responsibility for the release of prisoners, I think the investigation which precedes the parole can be carried forward just as well in the governor's office as anywhere else, and I concur with my distinguished predecessor in saying that no rule can be formulated to govern the discretion which must in the very nature of things be exercised. The governor should be authorized to employ one or two additional agents. . . . I very much need one or two persons to assist in securing work for prisoners who are without friends; and to watch over them and lend a helping hand until they are again fairly established among their fellow-men. . . ."

12 Ja 04, p.13

375

CIVIL LAW

Civil Code and Code of Civil Procedure

377

Property

38a

Eminent domain. Condemnation proceedings

See also 1297, Railways

- a **Mass. Bates.** ". . . I appointed a committee of three to consider the matter of making public improvements under a more extensive exercise of the right of eminent domain than is now authorized. It has long been recognized that the taking of land for street, park or other public purposes generally results in betterments to the surrounding property far in excess of any amount

Contracts. Corporations

452-502

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which the public can collect therefrom; and in the case of streets and thoroughfares often leaves lots of such small or undesirable shape as to be ill adapted for building purposes, and yet possessing the frontage that is necessary to enable adjoining property to benefit from the improvement.

This committee has given much thought to the matter. It has investigated the methods adopted in England, France and Germany, and its report, with important information and recommendations, is ready to be submitted to you. . . ."

7 Ja 04, p.19-20

452

Contracts and other obligations

See also 2705, Roads

463

Interest. Usury

- a **Miss. Vardaman.** Reduction of contract rate of interest on money to 8% recommended.

19 Ja 04, p.12

500

Corporations

See also 840, Corporation taxes; 1200, Transportation; 1677, Banking; 1730, Insurance

501

General

502 **General. Incorporation**

- a **Ia. Cummins.** ". . . The history of this state, as well as the country . . . demonstrates beyond controversy that in the organization of corporations, the law ought to limit the issuance of capital stock to the amount actually paid to the corporation for it. . . The most serious menace to the prosperity which has been so generally enjoyed by the people of the United States during the last few years, has grown out of overcapitalization. I believe also that, before any corporation about to be organized is permitted to file its articles of incorporation in the office of secretary of state, they ought to be submitted to a board, composed of the Executive Council and the attorney general for approval. Our experience has shown that this is necessary in order to restrict corporations within legitimate lines, and to exclude those which are organized for an unlawful or a dishonest purpose. . . ."

12 Ja 04, p.27

- b **Md. Smith.** Commission to revise the incorporation laws of the state, authorized by acts of 1902, chapter 446.

6 Ja 04, p.42

- c **N. Y. Odell.** "The corporation laws enacted in 1901 show gratifying results. Prior to the passage of these laws, for the year 1900 there were but 2329 incorporations, with a total capitalization

CIVIL LAW ADMINISTRATION OF JUSTICE

of \$306,613,355; while for the year ending Sep. 30, 1903, there were 3828 incorporations, with a capitalization of \$424,830,500 . . . These figures show that the recent laws are encouraging corporations to domicile within New York." 6 Ja 04, p.30

- d O. Herrick. "The constitutional amendment doing away with the double liability of stockholders of various corporations gives to the state of Ohio an opportunity to revise and codify its laws with reference to the organization and control of corporations so that our citizens will not feel impelled to incorporate in other states, for business which they wish to transact in the state of Ohio. . . ." 11 Ja 04, p.5

505 Domicile. Name. Residence of officers

- a N. Y. Odell. "It is . . . suggested that the Code of Civil Procedure be amended so as to protect the name of a corporation when it is proceeding to effect a change of name under section 2111 of the Code of Civil Procedure." 6 Ja 04, p.30

Government

517

521 Reports

- a La. Heard. "I heartily concur with the secretary [of state] in the renewal of his recommendation made in 1900, relative to requiring the filing annually of a certificate under oath from the proper officer of each corporation doing business in the state, showing the location of its principal office in the state, with town, street and number, the kind of business engaged in, the names of . . . officers, directors or managers, their residences, etc., and the expiration of their terms of office." 9 My 04, p.7-8

589 Industrial combinations and monopolies

- a La. Heard, 9 My 04, p.31. U. S. Roosevelt, bureau of corporations, 7 D 03, p.1-3.
- b La. Blanchard. "There should be laws to regulate corporations and trusts and prevent them from becoming monopolies. . . ." 16 My 04, p.17

590

Administration of justice

600

Courts

Names and general organizations of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries and subordinate headings.

601

General

- a La. Heard. "I desire to repeat . . . the . . . recommendations made upon the subject of the state judiciary in my

message to the last session of the General Assembly. . . " [See
Governors Messages 1903, 601f] 9 My 04, p.31-32

- b **La. Blanchard.** "By the mandate of article 99 of the Constitution, the Courts of Appeal (other than in the city of New Orleans), from and after July 1, 1904, are to be composed of two district judges designated by the Supreme Court. The bench and bar of the state, with practical unanimity, concur in the view that the Courts of Appeal as thus constituted will fail to meet the requirements of the situation, and the demand is strong and urgent for a change in the Constitution in this particular, so as to provide a more satisfactory intermediate court between the District Courts and the Supreme Court. Opinions differ as to what plan should be adopted. A practical way of getting at the subject and of ascertaining what plan would meet the better opinion of the lawyers, so as to put the influence of the bar behind the proposition, would be to hold a convention of lawyers in the city of Baton Rouge during the session of the Legislature. . ." 16 My 04, p.15-16
- c **La. Blanchard.** Special message recommending adoption of constitutional amendments relating to judicial department.

10 Je 04, House Journal, p. 273

- d **Miss. Vardaman.** ". . . I want Mississippi to keep up and maintain the grand old standard of excellence, I want the judiciary exempt from the pernicious influence of political bossism, I want the judge who holds a commission from the governor to understand that the only obligation or debt he owes that governor is to perform fairly, fearlessly, intelligently and justly the functions of the office of judge. . . I should like to see the salaries of the judges increased, that the best legal talent of the state may be transferred from the bar to the bench, without personal pecuniary sacrifice. . ." 19 Ja 04, p.10-11

- e **N. Y. Odell.** "The commission appointed in pursuance to my recommendation to examine into the law's delays in the greater judicial departments of the state has steadfastly pursued its investigation since its appointment and will report to you its findings. . ." 6 Ja 04, p.29

- f **R. I. Garvin.** "One of the most important duties devolving upon this General Assembly is the revision of the laws made necessary by the adoption of the recent [judiciary] amendment to the Constitution. . . I recommend for making the required revision a commission . . . appointed by the governor with the advice and consent of the Supreme Court. I also recommend that the judges who are to serve in the inferior court, which is to be established, be elected by the people or appointed by the governor."

Ja 04, p.10-11

CIVIL LAW ADMINISTRATION OF JUSTICE

- g S. C. Heyward. "For a few years past the congested condition of the calendars of the Circuit Courts in nearly all of the counties of our state has been a problem which forced itself upon the consideration of the people. To relieve this condition, in 1900 an act was passed providing for the holding of special courts. . . . The conclusion seems to have been reached by thoughtful men that it is unwise to make a temporary judge out of a practising attorney. . . I would respectfully recommend that the act providing for special courts be abolished, and that at least two additional judicial circuits be established. . . . I beg to present for your careful consideration the fact that the Courts of General Sessions now encroach too much upon the Courts of Common Pleas, subordinating entirely civil to criminal business. I believe it would be wise to amend the law relating to County Courts so that the larger counties not now included in this law might, by a majority vote, establish such courts whenever they deemed it necessary." 12 Ja '04, p.29-30

- h Va. Montague. "... In the interest of the general administration of justice I beg to recommend some provision whereby the attorney general may have periodical reports from each commonwealth's attorney, giving the style of every cause, civil or criminal, wherein the commonwealth is a party, together with the disposition of each case; if continued, the reasons therefor, and if concluded, the judgment therein. . . By this means the people, who should be acquainted with the administration of all the departments of government, would be enabled to know with what expedition the laws are enforced, and in what proportion crimes exist. . . ." 13 Ja 04, p.4

604

Supreme courts

Including only those highest in state, of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

605 General and miscellaneous

- a Fla. Jennings. Provision for election of judges of Supreme Court. 7 Ap 03, p.20

609

Intermediate courts

615

Circuit court

- a Fla. Jennings. "Under the constitutional amendments, ratified at the general election held on Dec. 2, 1902, providing for an additional judicial circuit, the power to redistrict the state and create

Public lands

765-74

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by the wonderful increase in the population, wealth, growth, development and progress of our state during the past decade. The enormous increase in the price of self-maintenance should also be taken into consideration, in fixing a reasonable compensation for state officials, which power is vested in you. . . ." 7 Ap 03, p.22

- b Ia. Cummins. ". . . I suggest that the law relating to the Pharmacy Commission, the Bank Examiners, the Oil Inspectors, the Dental Board, the Veterinary Board, and all other boards, commissions, and offices with which the contrary practice prevails, should be changed so as to require payment of fees . . . [directly to the treasury]. 12 Ja 04, p.11-12

- c Mass. Bates. "I renew my recommendations . . . for the paying of all fees received by salaried officers into the treasury of the state, county or municipality, as the case may be. This latter suggestion has been receiving the attention of a special committee of the General Court, and I understand their report is ready for your consideration." 7 Ja 04, p.21-22

- d N. Y. Odell. "A committee of the Legislature has had under investigation the compensation of employees in the state service and the necessities for the services of those now in the state employ. While it is not my purpose to anticipate the report of this committee . . . I do desire to place myself on record as favoring such changes as are for the interest of the state in protecting it against such excessive salaries as have been the outgrowth more of favoritism than of necessity. . . ." 6 Ja 04, p.25

767

Tenure of office. Discipline

- a La. Blanchard. "State officials paid good salaries should give practically all of their time to the state's service and be required to live, or at least spend most of their time, at the capital." 16 My 04, p.17

770

Finance. Public property

See also 2237, School finance; 2550, Local finance

772

Domain. Property

773

Public lands

See also 2240, School lands

774

General and miscellaneous

- a La. Heard, 9 My 04, p.27. Md. Smith, the land office, 6 Ja 04, p.35. U. S. Roosevelt, public land frauds, 7 D 03, p. 8.

- b Fla. Jennings. ". . . I would . . . respectfully suggest that a memorial be addressed to Congress asking that the 1,433,314 remaining acres of the public domain of the United States, lying in Florida, be granted to the state, to be disposed of for the use and benefit of the public school fund." 7 Ap 03, p.66
- c U. S. Roosevelt. "Experience has shown that in the western states themselves, as well as in the rest of the country, there is widespread conviction that certain of the public land laws and the resulting administrative practice no longer meet the present needs. The character and uses of the remaining public lands differ widely from those of the public lands which Congress had especially in view when these laws were passed. The rapidly increasing rate of disposal of the public lands is not followed by a corresponding increase in home building. There is a tendency to mass in large holdings public lands, especially timber and grazing lands, and thereby to retard settlement. I renew and emphasize my recommendation of last year that so far as they are available for agriculture in its broadest sense, and to whatever extent they may be reclaimed under the national irrigation law, the remaining public lands should be held rigidly for the home builder. The attention of the Congress is especially directed to the timber and stone law, the desert land law, and the commutation clause of the homestead law, which in their operation have in many respects conflicted with wise public land policy. . . . In order that definite information may be available for the use of the Congress, I have appointed a commission composed of W. A. Richards, commissioner of the General Land Office; Gifford Pinchot, chief of the Bureau of Forestry of the Department of Agriculture, and F. H. Newell, chief hydrographer of the Geological Survey, to report at the earliest practicable moment upon the condition, operation, and effect of the present land laws and on the use, condition, disposal, and settlement of the public lands. . . ." 7 D 03, p.19-20

777

Deeds. Titles

- a Fla. Jennings. "The law fails to provide a system of record of title deeds and papers of titles to state and educational institutions (other than in counties), or the designation of any official or person as custodian of such title deeds or papers or in what manner or by whom they shall be kept. . . . I recommend that the commissioner of agriculture be designated as the official to have the custody of all deeds and title papers of the sites of all state properties and educational institutions, and that such commissioner be provided with a deed book wherein all deeds shall be recorded." 7 Ap 03, p.28-39

- b Ga. Terrell.** "... To the end... that settlements may be had and the title quieted, wherever in good faith the present claimant has purchased and improved the state's land, legislation should be enacted providing for the submission of the questions of good faith and value to the jury of the vicinage, and where it is made to appear that the claimant purchased in good faith and has made valuable improvements thereon, that the state's right of recovery should be limited to the value of the land before the improvements were made. . . ." 24 Je 03, p.8

779

Buildings. Property and supplies

780

Buildings and grounds

- a Fla. Jennings,** 7 Ap 03, p.81. **Md. Smith,** 6 Ja 04, p.26-34.

781. Capitol

- a Fla. Jennings,** Capitol Improvement Commission, 7 Ap 03, p.79. **Ga. Terrell,** Mitchell street paving, 24 Je 03, p.11. **Ga. Terrell,** 24 Je 03, p.15. **Ia. Cummins,** Capitol Commission, 12 Ja 04, p.21-22. **Ia. Cummins,** the late fire in the Capitol, 12 Ja 04, p.24-25. **La. Heard,** repairs to sidewalks on Capitol grounds, 10 D 03, House Journal, p.7. **Md. Smith,** addition to the State House, 6 Ja 04, p.30-33. **Mon. Toole,** 26 My 03, p.2-3. **N. J. Murphy,** 12 Ja 04, p.16-17. **W. Va. White,** 26 Jl 04, p.7.

- b Fla. Jennings.** "[The secretary of state] should be provided with an assistant custodian of the State House and grounds in order that this important work may be continuously under the immediate supervision and direction of a competent person. . . "

7 Ap 03, p.23

- c Fla. Jennings.** "... At present the Supreme Court Library is in the basement, and the State Library is without a home. Notwithstanding the enlargement of the State House, the departments are really crowded at this time, and there is a growing demand for the erection of a suitable building for the Supreme Court and its library. . . "

7 Ap 03, p.81

- d Ky. Beckham.** New capitol recommended. 5 Ja 04, p.18

- e S. C. Heyward.** "... I should be glad to see our State House grounds systematically beautified on some artistic and developed plan. . . "

12 Ja 04, p.37

- f Va. Montague.** "I renew my recommendation for the improvement of the Capitol, together with the suggestion that wings be added to the present building in accordance with plans which have been submitted. . . "

13 Ja 04, p.7

782 Executive mansion

- a Fla. Jennings.** Residence for governor recommended.

7 Ap 03, p.80

ADMINISTRATIVE LAW FINANCE

- b Miss. Vardaman. ". . . I would suggest that the executive mansion be devoted to some other use than that of a state-provided home for the governor. It would be a matter of economy both for the state and for the governor, for the state to increase the salary of the governor, and permit him to live as do other public servants at the Capitol. I do not like the idea of the executive mansion. It is a relic of royalty and has the odor of that effete aristocracy, which is a curse to every country where it flourishes, and it also contemplates and imposes social obligations which sin against the strength of manhood and consume time which should be devoted to more serious things." 19 Ja 04, p.20
- c O. Nash. "It has long been a source of regret that the state has not provided a residence for the governor." 4 Ja 04, p.23

784 Property and supplies generally

791 Insurance

- a Fla. Jennings. "The insurance on state properties has been found unsatisfactory and without system. . . I, in 1901, employed Hon. H. J. Drane, special agent on insurance matters for the state, requesting him to examine all the policies, determine the valuations of all state property subject to insurance, fix its insurance valuation, prepare forms of the various contracts, correcting errors in the present policies where necessary . . . I recommend that this system be adopted by the state, and that the Board of Commissioners of State Institutions be charged with the specific duty of keeping the record of insurance, together with the custody of all policies issued, with directions to keep the insurance policies renewed and in force at such rate and for such amounts as in its judgment may seem best for the interest of the state from time to time, and that a sufficient appropriation be made to cover the necessary premium on insurance. . . "

7 Ap 03, p.41-43

792 Sale of property

- a La. Heard, 9 My 04, p.70.

793 Public works

797 Light, water and sewerage plants

- a Tex. Lanham, 2 Ap 03, House Journal, p.4.

800 Taxation (general)

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing.

801 **General and miscellaneous. State departments**

- a **Mr. Smith**, tax commissioner's office, 6 Ja 04, p.36.
- b **Mr. Jennings**. "I recommend a constitutional amendment be proposed authorizing the imposition of a license tax on all corporate franchises and tax on inheritance, gifts and devises."
7 Ap 03, p.48
- c **N. J. Murphy**. "In the interest of economy, as well as of efficient administration, I recommend the consolidation of the State Board of Taxation and the State Board of Assessors. . . While the work of the two boards is distinct, nevertheless it is of a similar character, and could easily be performed by one competent board of four persons, devoting practically their entire time to the duties of their office, in return for which they should receive proper compensation."
12 Ja 04, p.15-16
- d **O. Nash**. "Owing to the operation of certain laws [02, p. 124, 136, 390] enacted by the last General Assembly . . . the manner in which the general revenue fund . . . has been produced has been entirely changed. Formerly this fund was largely derived from a levy of 1 mill and four tenths of 1 mill on each dollar of valuation of taxable property in the state. This placed the chief burden of the taxes for state purposes upon the real and personal property. . ."
4 Ja 04, p.3
- e **Mr. Chamberlain**. "An act was passed at the last session of the Legislature entitled 'An act to provide a more efficient method for the assessment and collection of taxes . . .'. In order to test the validity of this law, and to ascertain the effect of certain changes made thereby in existing laws, a suit was instituted in the Circuit Court of Malheur county a few months since to enjoin the officers of said county from proceeding to levy a tax on the assessment roll of 1903. . . A decree was rendered by the Circuit Court enjoining the levying of a tax by the County Court of Malheur county on the roll of 1903, and on appeal to the Supreme Court the judgment of the lower court was affirmed. . . The result of the decision of the court is, that whilst there may be a valid assessment of property for the year 1903, made prior to the taking effect of the amendments, no levy was made or could be made under the old law. . . Chaos in fiscal affairs of the state would be the result, and to avoid this condition I have felt it incumbent upon me . . . to convene the Legislature in extraordinary session. . . That the tax laws of the state need revision there can be no question. Repeated amendments from time to time have but made confusion worse confounded.
In my opinion sessions 1907, 1900, 1902

ADMINISTRATIVE LAW FINANCE

3084, 3085, 3090, 3098, 3106, 3107, 3112, 3116, and 3120 of Bellinger and Cotton's Annotated Codes should be reinstated by appropriate legislation after the repeal of the act found on page 295 of the Acts of 1903, and after the repeal of that other act purporting to amend section 3098 of Bellinger and Cotton's Codes found at page 23 of the Acts of 1903. . . " Extra session, 21 D 03, 7 p.

f R. I. Garvin. Reform of the tax laws recommended.

5 Ja 04, p.13

g Va. Montague. "The new sources of our taxation distinctly contribute to the adjustment of the burdens of government. The increased revenue derived from corporate property is very gratifying. . . As an indication of the benefits of the new system it should be observed that though as yet but partially tested, and at a reduced rate, our present revenue from assessments made by the Corporation Commission alone will exceed that of last year by about \$438,000. Our income, in round numbers, will approximate four millions of dollars per annum, thus demonstrating the ability of the commonwealth to meet every obligation, and to provide for improved administration in many departments. . . "

13 Ja 04, p.5

h W. Va. White. Message to extra session convened to consider tax bills proposed by Special Tax Commission and other amendments to tax laws specially with view of abolishing state direct tax on real and personal property.

26 Je 04

807

Separation of state and local taxation

a N. J. Murphy. "Because of the falling off in the receipts from incorporation fees, some timid people have taken alarm, and they see in imagination the revenues of the state disappearing, and the boggy of a state tax already in sight. Personally, I think much greater calamities might happen to the state than to have a state tax. My own view is that the blessings and benefits of our government would be more highly appreciated if every citizen was required to contribute a substantial sum as a poll tax to the support of the state before being allowed to vote, and I would have such tax large enough to remove the temptation from any political party to assist the citizen in its payment. . . " 12 Ja 04, p.6

808

Taxation of personal property

a N. Y. Odell. "The necessity for a more equitable system of taxing mortgages, or for their total exemption from taxation, is perhaps more apparent today than ever before in the history of the state. The discussion which has followed the introduction of the measure which proposes to lay a tribute of 4 mills per annum

upon all mortgages, while it may not produce the results desired, should at least lead the Legislature prior to its adjournment to formulate a statute which will correct existing inequalities and give the color of law and authority of the Legislature to such exemptions as are now only secured through open evasion of the law or failure of the assessors to perform the duties for which they were chosen.

Whether mortgages should be taxed or not is an open question, considered either from the point of view of those who borrow or of those who lend. That they are now unjustly taxed in some localities and permitted to escape entirely in others, is a conclusion beyond the peradventure of a doubt. Either all mortgages should be taxed, or none. Mortgages are the representatives of tangible property, and if tangible property were assessed at its full valuation, there could be no question that to a certain extent their taxation would be double taxation. . . . That an evil exists in the present system of mortgage taxation is manifest, and that it is a burden upon those who can not escape, upon widows and orphans whose money is tied up in trust estates, should lead the Legislature to take into consideration the necessity for action and attempt in some way to correct this condition. If it be by the total exemption of mortgages from taxation—if that be the conclusion of the Legislature—I am ready to give to it my sanction and approval. If it be by imposing a small yearly tax, either 4 mills or 2 mills, I am willing also to go to that extent, because I believe that is so much nearer right than the existing law and that it would meet the approval of the citizens of the state. If it be by imposing a recording tax, affecting only future mortgages, I am willing to lend my approval and assistance in that direction. But I believe that the Legislature of the state of New York would be recreant to the trust that has been reposed in it if an adjournment should occur without a correction of the evils to which I have directed attention. . . .” 6 Ap 03, p.1-9

- b** N. Y. Odell. “The personal assessments of the state, according to the equalized valuations of 1902, amount to \$672,149,054. . . . Much of this assessment in New York city is occasioned by taxation upon mortgages which should not exist and which is a positive burden to many and in frequent cases takes at least 50% of the income from such property. . . .” 6 Ja 04, p.29

809

Exemptions from general property tax

See also under special classes of taxes; also 1283, Railways

812

Charitable, educational and religious institutions and societies

- a** Ga. Terrell. Exemption of college endowments recommended.

22 Je 04, p.7

ADMINISTRATIVE LAW FINANCE

818

Assessment

819

General and miscellaneous. Return by taxpayer

- a Miss. Vardaman. Enactment of rigid laws enforcing full and complete assessment recommended. 19 Ja. 04, p.12

825

Review. Equalization. Adjustment

For equalization by state boards *see also* 801, General and miscellaneous

- a Ga. Terrell, equalization of taxes, 22 Je 04, p.8-10.
- b Fla. Jennings. "... In 1871 the Legislature created a state board of equalization to determine the real value of real estate in the different counties. This board made its report to the Legislature of 1872, which report was confirmed. Since that time there has been no power or board of equalization to determine the real valuations of real estate in the different counties. . . Property in some of the counties is assessed at 90% of its value, while in other counties it is assessed at less than 20% of its value. . . I recommend that a state board of equalization be created, consisting of the members of the Board of Commissioners of State Institutions. . . " 7 Ap 03, p.26
- c Ga. Terrell. "The issues raised in connection with the efforts to collect the franchise tax again emphasize the necessity of devising some method for equalizing tax values. This matter has been frequently called to the attention of previous General Assemblies, by my predecessors, and in accordance with their recommendations a law of this nature was passed in 1891, which, without injustice, caused an increase of \$19,000,000 in the returns for 1892, while the year following the repeal of the law there was a decrease of \$11,000,000 in the returns. There were certain objectionable features in that statute which could have been easily cured by amendment, and it is unfortunate that the entire act should have been repealed instead of preserving those provisions which were wise and beneficial. The need of tax equalization grows with our increase in wealth and population. . . The fairer the taxpayer, the more onerous the burden. The state, in effect, offers a premium to him who shirks instead of to him who willingly and cheerfully complies with the spirit of the law. This is wrong, unjust and inequitable, and can only be cured here, as it has been cured elsewhere, by the creation of county boards authorized to examine returns, to see that omitted property is put on the books, and that property of the same kind and value is assessed and taxed alike. But even this does not fully meet the difficulty, for what is true of two neighboring citizens, may be equally true of neigh-

boring counties, or of those more remotely separated. . . "

24 Je 03, p.4-6

- d R. I. Garvin. "It is now 10 years since the last valuation was made for the assessment of the state tax upon the several towns and cities. During that decade some municipalities have increased their local valuation by one fourth, or even one third, whilst a number of the smaller towns have materially fallen off in wealth, and, therefore in taxpaying ability. I recommend that a new basis of apportioning the state tax be adopted, to wit: the actual public expenditure of the several towns and cities. By basing the state tax upon the average expenditure of the respective municipalities for the five preceding years, including therein the expenditure of all districts into which any town may be divided, it would become an easy clerical task for the state treasurer annually to estimate and apportion the amount to be paid by each for the ensuing year. . . "

5 Ja 04, p.9-10

829

Delinquent taxes. Tax sales. Redemption

- a Ga. Terrell. " . . . In a case recently decided by the Supreme Court, viz: Jones v. Stewart, at the present term, the court by a majority opinion ruled that under the tax act of 1900, the exclusive remedy for the collection of a special occupation tax was by indictment and conviction. . . In the opinion of the attorney general this decision will greatly impede the collection of special occupation taxes, and he thinks, and recommends, that the Legislature should amend the general tax act . . . so as to make the remedy by indictment cumulative, giving to the state the right to proceed both upon execution issued by the proper officer upon information, as well as the right to prosecute for a violation of the tax act. . . "

24 Je 03, p.16

832

Business taxes. Revenue, license or privilege taxes

833

General. Business and privilege taxes

- a Md. Smith. "There is good reason to believe that the state loses a considerable amount of money annually because of the laxity with which the law requiring traders licenses to be taken out on May 1st is enforced. A premium is undesignedly put upon postponing the taking out of licenses as long as possible. . .
A privilege which is greatly abused by small traders, who thereby take advantage of the law, is that accorded female traders carrying a stock of \$1000 or less to get a license for half

price. Many men conduct their business in the name of some obliging female merely in order to secure a reduction of \$6 in the cost of a license, thereby evading the law and defrauding the state." 6 Ja 04, p.11

836

Inheritance taxes

- a **Md. Smith.** "Concerning the office of register of wills, I would suggest the enactment of a law providing for the record in the regular administration account record of the payment of the collateral inheritance upon real estate. . . " 6 Ja 04, p.11
- b **Mass. Bates.** ". . . I believe the [inheritance] tax should be not only on collateral, but also on direct inheritances, allowing exemptions within reasonable limits." 7 Ja 04, p.53

840

Corporation taxes

Including taxation by general property tax

841

General and miscellaneous

- a **Mass. Bates.** "Under the old law, corporations were taxed on all their property, tangible and intangible. The value of the corporate franchise, once determined, became the basis of taxation. From this value no deductions were allowed, except for real estate and machinery taxed locally. No matter how much stock in other corporations which had already paid a tax, no matter how much taxable property was held outside of the state, no deduction could be made on account of it. Home corporations were therefore subject to double taxation. This resulted in an unjust burden, and was the principal obstacle to organization under our laws. On the other hand, foreign corporations doing business in this state were not taxed by the state, and the local taxation was upon their tangible property only. . . The law passed at the last session of the Legislature was designed to remedy this condition of affairs. By it domestic corporations have been placed upon practically the same basis as foreign. In effect it provides that taxation of Massachusetts corporations shall not be more than 20% in excess of the value of their tangible assets, less deductions for real estate and machinery taxed locally, property subject to taxation in other jurisdiction, and securities which, if owned by a natural person resident in this commonwealth, would not be liable to taxation. . . " 7 Ja 03, p.22-23

844

Insurance companies

See also 1730, Insurance

- a **S. C. Heyward.** ". . . The report [of the comptroller general]

recommends many changes in our present insurance license laws, including a schedule of fees to be paid. . . Such a license law as outlined has been adopted by many states. It is now in force in North Carolina, and from what I can understand, is giving general satisfaction."

12 Ja 04, p.6-7

845 Transportation and transmission corporations

See also 1200, Transportation

- a Fla. Jennings. "Many of the states have enacted laws taxing franchises. . . It is apparent that such a law is necessary in Florida to enable those charged with the assessment of property to comply with the statutory requirement of assessing property at its true cash value. If the owners of any class of property, used and enjoyed under franchises granted by the state, are permitted by law to charge the people for the use of that property a rate sufficient to produce a reasonable income upon its valuation, that valuation ought to be the basis upon which the property is taxed. . . "
- 7 Ap 03, p.26-28
- b La. Heard. " . . . At present the Board [of Appraisers] only fixes the valuation of property and sends same to the local assessor to be placed on the assessment rolls of the parish. In doing so he extends whatever taxes may be chargeable against it, and on the amount of such charge the assessor collects the same commission as on all other assessments which are listed and valued by himself. It would seem better, therefore, if it were made the duty of the board to prepare rolls of the property assessed, extending on same all taxes to be collected, whether they be for state, parish, municipal, levee, drainage or school district purposes, and to send same direct to the tax collector and not to the assessor. . . "
- 9 My 04, p.59
- c N. Y. Odell. "The steam railroads of our commonwealth paid in dividends in the year ending June 30, 1902, \$18,975,339.50; the same corporations paid for taxes, \$11,665,124.99; while the street surface railroads paid in dividends, \$3,939,343.73, and in taxes, \$2,456,881.82. In other words, the steam railroads, which practically own all the property upon which they operate, paid in taxes more than 60% of the amount which they paid in dividends; while the surface railroads paid in taxes about 64% of the amount paid in dividends. This latter percentage would be increased materially if the franchise tax suits now before the Court of Appeals should be decided in favor of the state. It is well known that the average rate of assessment in the state is not beyond 60%. While the recent raising of the assessment to a full valuation in the city of New York, may make some slight difference in the

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average, it can not affect it materially. If property is assessed therefore at 60% and if its income for rental value is 6% upon the investment, it would pay but 25% of the income for taxation purposes. That is, that a \$1000 house assessed at \$600, upon a 6% rental valuation, would produce \$60, of which \$15 would go for taxation." 6 Ap 03, p.4-5

- d Wis. La Follette. Special message recommending that bank examiner be authorized to make a thorough examination of railroad accounts to ascertain whether roads have made correct returns of gross receipts for taxation.

25 Ap 03, Senate Journal, p.848-50

- e Wis. La Follette. Special message recommending adoption of maximum freight rates to prevent railroads from increasing rates to offset proposed increase in taxation.

7 My 03, Senate Journal, p.1006-9

848

Budget

849

General

- a Fla. Jennings, 7 Ap 03, p.3-11. Ga. Terrell, 24 Je 03, p.16-17. Ga. Terrell, 22 Je 04, p.21. Ky. Beckham, 5 Ja 04, p.9-12. La. Heard, 9 My 04, p.4-6. Md. Smith, 6 Ja 04, p.4. Mass. Bates, 7 Ja 04, p. 51-56. N. J. Murphy, 12 Ja 04, p.3-8. N. Y. Odell, 6 Ja 04, p.3. O. Nash, 4 Ja 04, p.3-12. R. I. Garvin, 5 Ja 04, p.11. S. C. Heyward, 12 Ja 04, p.4-9. Tex. Lanham, 2 Ap 03, House Journal, p.4. U. S. Roosevelt, 7 D 03, p.4.
- b Md. Smith. "... It would seem impossible to further reduce the state tax rate of 17 cents on the \$100 without crippling and even destroying the public school system of the state, as 4¾ cents of the state tax is alone devoted to the payment of interest on the state bonds and the creation of a sinking fund to pay the said bonds at maturity and when redeemable. The entire balance of the direct tax imposed by the state, 12¼ cents on the \$100, is devoted to the support of the public-schools and to the purchase of free textbooks, while as everyone knows all other expenses of the state government are paid from fees, licenses, fines, investments and other sources of revenue." 6 Ja 04, p.5-6
- c Mass. Bates. "Under the act passed in the year 1900, before referred to, the entire expense for the care of the insane is placed upon the commonwealth from and after the first day of January in the present year, and the cities and towns are relieved therefrom. . . Hence the state tax must be largely increased each year, beginning with the present, in order to pay this extra expense,

unless the Legislature shall devise some new source of revenue.

Massachusetts seems to have been more generous than other great states of the Union, in the amount of taxes which it takes to itself and the amount which it leaves to the municipalities. . . New York does not pay any part of the corporation tax that it collects to the cities and towns. Massachusetts pays back the most of it, distributing it to those cities and towns where the stockholders in the corporation live. New York has 50% of the liquor taxes; Massachusetts has but 25%. . . Where the state so largely cares for the criminals and paupers, as it is doing at the present time, and then takes upon itself the expense of the care of the insane, it would seem as though a larger percentage than at present of the liquor taxes should be paid into its treasury. . . "

7 Ja 04, p.51-52

- d N. J. Murphy. " . . . What might be called the expense of the general management of the affairs of the state is 13% of the total; public education, 26%; the court, 5%; the military, 5%; prisons, 11%; the insane, 14%; the blind, deaf and feeble-minded, 5%; disabled soldiers, 2%, and public roads, 6%." 12 Ja 04, p.4
- e S. C. Heyward. " . . . At your last session you appointed a committee 'to consider how best to put the state upon a cash basis, what additional sources of revenue for the state are available, and what changes should be made in existing laws for the assessment and collection of taxes.' This committee has completed its report, which will be transmitted to you. . . The question resolves itself into this, that expenditures must be curtailed, or more revenue raised. The former, I fear, is impracticable, and the latter can only be done in one of three ways: 1st, by requiring the county authorities . . . to exercise a rigid supervision of tax returns, and forcing them to require a proper listing of property heretofore escaping taxation. 2d, by a license tax as suggested by your committee; or 3d, by increasing the tax levy. . . " 12 Ja 04, p.5
- f Wis. La Follette. Special message urging economy in appropriations, recommending the plan of including all appropriations in a single bill. 11 My 03, Senate Journal, p.1037-38

- a N. Y. Odell. "I desire to call your attention to a custom which prevails in some of the departments of issuing bulletins which are not provided for in the appropriation bill. The uncertainty as to the number of such publications and their cost makes the practice objectionable from every standpoint. While I do not desire to

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pass upon the necessity or the desirability of such publications, yet I do believe that we should insist upon these items being provided for in the annual appropriation bill to the end that we may know definitely and with certainty the cost of such printing. . . . "

6 Ja 04, p.26

- b Va. Montague. " . . . The appropriation act expired on Sep. 30 last, and from that date to this hour the disbursements for the support of the government have been in plain violation of law. . . I am therefore constrained to repeat my former recommendation for a change of date of the term for which appropriations should commence, thus affording a remedy at once simple and complete."

13 Ja 04, p.5-6

852 Governor's contingent fund

- a Md. Smith, 6 Ja 04, p.7.
 b Ia. Cummins. "The 29th General Assembly appropriated \$35,000 and put it at the disposal of the Executive Council to meet such contingencies as the destruction, by fire or other casualty, of the public property of the state "

12 Ja 04, p.8

853 Accounts. Methods generally. Collection of moneys. Warrants

854 Collection of state claims and revenue

- a Fla. Jennings, 7 Ap 03, p.8-10. S. C. Heyward, 12 Ja 04, p.8.

856 Examination and audit

- a Fla. Jennings, expert examiners, 7 Ap 03, p.56.
 b Md. Smith. "The clerical force of the [tax commissioner's] office is somewhat hampered and subjected to inconvenience, owing to the absence of any contingent fund for the use of the commissioner to meet the petty expenses which occur in every office constantly. All expenses of that character are now paid through the comptroller's office, which necessarily entails some delay and gives the comptroller additional work. There is no reason why the tax commissioner should not have a sufficient fund placed at his disposal to meet contingent expenses, the same to be properly accounted for, as are other contingent funds. . . . "

6 Ja 04, p.36

- c Va. Montague. "The recommendation made in my last message for the reorganization of our Treasury Department by making the first auditor an officer of audits and receipts only, and by

Accounts

857-61

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transferring to the second auditor the duty of disbursements, thereby providing that these two officers, together with the treasurer, be a check one upon the other, is renewed. . . "

13 Ja 04, p.7

857

Financial officers

858 State auditor. Comptroller

a Fla. Jennings, 7 Ap 03, p.21.

b N. J. Murphy. "I suggest to the Legislature the advisability of creating the office of auditor of state accounts, the same to be filled by a professional accountant. . . As it is at present there is no careful audit of the disbursements, and while I have no reason to question the honesty of any state official, I think in view of the large sums expended that it would be a satisfaction to the people of the state to know that the money which is spent during each year is properly expended in accordance with the law. A professional auditor charged with the duty of examining these accounts could make such a report each year to the Legislature."

12 Ja 04, p.7-8

860

Fiscal year

a Mass. Bates. "The financial year now ends on Dec. 31. This comes so near inauguration day that it is almost impossible to prepare accurate information as to the last fiscal year in time for the consideration of the Legislature. If the year ended on Sep. 30, it would be possible for the information to be presented in a much more satisfactory manner. The financial year of the institutions now ends on Sep. 30, so that the adoption of this suggestion would make the fiscal year of the state and that of the institutions the same. This would be an advantage.

Appropriations for institutions are now made for the political year, with the result that the reports are for a different year than that of the appropriations. . . The appropriations should be for the fiscal year, each institution having a right, as now, to incur expense in anticipation of its appropriation in proportion to the amount of the one last made. . . "

7 Ja 04, p.57

861

Funds. Investments

a N. Y. Odell. "In 1837 the United States government distributed a certain portion of its surplus to the various states under a statute which provided for the loaning of such money to individuals. This fund is known as the United States deposit fund. Two loan commissioners are appointed in each county,

whose duty it is to supervise the loaning of these moneys. . . The result of the operation of this law has been that the interest upon it has averaged but 2.2%, while other funds invested by the state comptroller have an average of 3.75%. . . I would suggest, therefore, the amendment of the existing statute so as to permit the loaning of this fund upon municipal and local bonds in order that the state may be more fully protected and a larger rate of interest secured. . . The Legislature in the year 1897 did make an amendment as suggested above, but objections were raised perhaps because of calling in of loans, thereby imposing certain hardships, and the law was repealed at the next session of the Legislature. . . "

6 Ja 04, p.31-32

865

Debts. Bonds

- a Fla. Jennings, 7 Ap 03, p.4-7. La. Blanchard, 16 My 64, p.14. Md. Smith, 6 Ja 04, p.4. Mass. Bates, 7 Ja 04, p.53-55. N. Y. Odell, 6 Ja 04, p.3-4. O. Nash, 4 Ja 04, p.8-10. S. C. Heyward, 12 Ja 04, p.7. Va. Montague, 13 Ja 04, p.5.
- b Fla. Jennings. "The interest paid on the state debt in 1900, amounting to \$66,920, which, taken as an average interest for the 30 years, shows that the people of Florida have paid \$2,007,630 interest on \$1,032,500, and that not \$1 has been paid on the principal of the present outstanding bonded indebtedness during the past 30 years, save that represented by bonds in the sinking fund. . . I recommend that . . . the bonded debt of Florida be paid and discharged, and the taxpayers be thus finally—and it is to be hoped forever—relieved from the burden of paying interest that brings no return, and should be no part of the economic government of a state of the resources of Florida."

7 Ap 03, p.6-7
- c La. Heard. "In 1914 the entire bonded indebtedness of the state, amounting to \$11,108,300, will fall due, and it will be the part of wisdom to begin, at least, to provide by proper legislation for the liquidation of this debt, either by the exchange of the present 4% bond for a bond bearing a lower rate of interest for a limited number of years or providing for the sale of a new issue of bonds, bearing, say, 3% interest for a term of 50 years. . . " 9 My 04, p.6
- d Miss. Vardaman. " . . . It is discreditable to the ability of her public servants and the financial integrity of the state to have its paper bandied about like the overdue obligation of a derelict bankrupt. I believe that permanent public improvements should be made and that a portion of the burden should be borne by pos-

terity who will enjoy its use. There is no economy and less justice, in requiring the present generation to pay for this capitol building with money worth, to the taxpayers, 10% per annum, when the state could borrow the money for 3%. . . " 19 Ja 04, p.12

- c N. Y. Odell. "While the [canal improvement] referendum provides for a yearly direct tax and the payment of the debt in 18 years, I am sure that the general expectation is that some other method may be devised. To return either to a direct tax or to seriously disturb existing tax laws is far from desirable. New York, with its vast interests and wealth, has resources which would seem to make it almost a profligate use of funds to burden the people with unnecessary interest charges. The present law proposes to pay in 18 years for interest \$54,540,000. If the period be extended to 50 years the expenditure for the same purpose would be \$151,500,000. The principal sum in both cases is in addition to be provided for. What is it we seek to escape and what benefits do we derive from this absolute waste of public moneys? New York has a valuation of nearly 6 billions of dollars. . . If the expenditure were spread over 10 years, the probable period of construction, the yearly tax would be but \$1.71 per thousand. Therefore in order to escape, or rather to put off for 18 years the extinguishment of the debt, the intention is to burden ourselves with interest charges equal to 54% of the principal. . . Assuming that new revenues will be provided and that the period of construction will be 10 years, \$25,000,000 could be paid by the state by the end of five years without levies upon the counties. If levies were then made for the remaining five years of 10 millions of dollars annually upon the counties in proportion to their assessed valuation, this with the continuance of the state's contribution of 5 millions of dollars annually would provide the whole sum that is necessary for the completion of the work. . . Assuming that the total expenditure will be \$101,000,000, the whole cost will be as follows:

State's proportion in 10 years.....	\$50,500,000
Counties' proportion to be repaid.....	50,500,000
Interest to be repaid to the counties.....	12,750,000
<hr/>	
Total	\$113,750,000 "
	6 Ja 04, p.5-10

- a La. Heard, repayment of certain temporary loans, 10 D 03, House Journal, p.6-7.

868

Deposits and depositories

- a **Ia. Cummins.** "The average monthly balance in the depositories selected by the treasurer and approved by the Executive Council during the last year has been more than \$1,000,000. I can conceive of no reason why the banks in which these funds are deposited should not pay interest to the state upon balances at the rate which they customarily pay to other depositors. . . I believe . . . that the law should be amended so as to provide for taking interest upon balances, if such arrangement can be made. The amendment should also provide that the state shall pay the premium to a surety company for the treasurer's bond. The bond required of him is too large for personal sureties, and the premium to a surety company, if paid by him, would more than consume his entire salary." 12 Ja 04, p.7-8
- b **Miss. Vardaman.** Creation of a system of state depositories recommended. 19 Ja 04, p.13
- c **N. J. Murphy.** "It is interesting to observe in the receipts the item of over \$54,000 from interest on the deposits of the money of the state kept in the various banks. This is a new item of state revenue, and this report is for the first full year after the passage of the law requiring the banks to pay an interest of 2% on the money of the state held by them, and indicates the amount that may reasonably be expected from this source so long as the present policy of retaining a large balance in the treasury is continued." 12 Ja 04, p.5
- d **O. Herrick.** " . . . I would recommend the passage of a state depository law similar to those in effective operation in other states . . . " 11 Ja 04, p.4

870

Public order*See also 234, Crimes and offenses*

872

Police

875

Municipal police

- a **R. I. Garvin.** The giving to mayors of cities the appointment of policemen, recommended. 5 Ja 04, p.13

Amusements. Liquors

877-922

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877

Miscellaneous police regulations

See also 1065, Nuisances; 1090, Public safety

879

Amusements

Relating chiefly to restricted amusements

883

Gambling. Lotteries. Betting

- a La. Blanchard. "The Constitution of the state denounces gambling as a vice, and expressly puts upon the Legislature the duty of passing laws to suppress it. It is not believed that the present antigambling statutes are adequate, and their revision and amendment is something that should engage the attention of the General Assembly."

16 My 04, p.17

900

Intoxicating liquors. Narcotics

902

Prohibition

903

Dispensaries

- a S. C. Heyward. "... Taking the state as a whole it is evident that this system [state dispensary] is considered the best solution of the question when properly regulated and enforced."

12 Ja 04, p.32-33

904

Local option

- a Mass. Bates. Special message recommending repeal of law permitting sale, in no-license communities, of imported liquors in original package.

8 Je 03

921

Intoxication. Inebriates

922

Institutions. Treatment

- a Ia. Cummins. "The report of the Board of Control, concerning the operation of the law for the care and confinement of inebriates, passed by the 29th General Assembly, merits your most serious consideration. . . I believe that the general principle of the law should be preserved, for its influence upon men given to habits of intemperance, but who fear the humiliation of confinement, has been widespread and effective; but I say without hesitation that if it can not be amended it should be repealed. The plan of sending inebriates to insane hospitals is bad, not only for the inebriates, but for the insane. . . . The minimum term of confinement should be one year. . . . When physically able, inebriates in confinement should be given an opportunity to work and be required to do so. . . . It cer-

tainly ought to be true that upon a violation of the terms of the parole the patient could be returned summarily to the place of detention, and yet, as I understand the statute, if the paroled inebriate makes his reports regularly, he can not be returned, even though it is known that he is drunk every day. . . " 12 Ja 04, p.14-15

- b S. C. Heyward. "... There seems little doubt as to the need of the separation of inebriates and epileptics from the insane proper . . . Such inmates should be placed in separate buildings upon the present property." 12 Ja 04, p.18

927

Mob violence

- a Ia. Cummins, calling out of militia to preserve order during strike at Dubuque, 12 Ja 04, p.26.
- b La. Heard. "I specially commend to your consideration the views of [the attorney general] upon the subject of mob violence, and I suggest the enactment of his recommendations into law." 9 My 04, p.30
- c La. Blanchard. "There will be a rigid enforcement of law and order. . . Mob violence in contravention and defiance of law will not be tolerated. Lynchings will not be permitted under any circumstances, if it be possible for the military, at the command of the governor, to get there in time to prevent it. And if they occur before the intervention of the executive can be made effective, inquiry and investigation will be made and prosecution instituted. Sheriffs will be held to the strictest accountability possible under the law for the safety from mob violence of persons in their custody. . . " 16 My 04, p.15
- d S. C. Heyward. "The occurrence of lynchings from time to time in our state is deplored by all believers in law and order. . . Theoretically speedy trials offer the best remedy, but smarting under the horrors of the outrage, even the most law-abiding communities may hesitate to expose to further indignity the shrinking victim. While this is all true, crime in any form can not be extenuated. . . Under our law an attempt to commit rape is punishable by imprisonment for a period not longer than 10 years. This, in my judgment, should be changed, and the penalty inflicted should be imprisonment for life." 12 Ja 04, p.31

930

Public health and safety

932

General Supervision

See also 2160, Sick and disabled

- a Fla. Jennings. 7 Ap 03, p.56. Ky. Beckham, 5 Ja 04, p.22-23.

Vital statistics. Diseases

938-1027

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La. Heard, 9 My 04, p.49-50. Md. Smith, 6 Ja 04, p.22. S. C. Heyward, 12 Ja 04, p.20.

938

Vital statistics

- a S. C. Heyward, 12 Ja 04, p.20.
- b N. Y. Odell. "The bureau of vital statistics of the Department of Health is the custodian of all records of births, deaths and marriages which have occurred since the establishment of the State Board of Health in 1880. . . Additional facilities for filing and for permitting the inspection and preservation of these records should be provided." 6 Ja 04, p.33

955

Adulteration. Inspection of articles liable to affect public health

See also 1466, Adulterations and imitations

956

General

- a N. Y. Odell, 6 Ja 04, p.36. S. C. Heyward, 12 Ja 04, p.21.
- b Fla. Jennings. "I wish to emphasize the recommendation of the . . . commissioner of agriculture for the necessity of the passage of a pure food law. An act was passed by the Legislature of 1901 on this subject, but, after a careful consideration thereof, it was deemed best that I should withhold my approval thereof upon the grounds stated. . ." Law recommended requiring inspection of food stuffs and beer by state chemist. 7 Ap 03, p.51

1018

Communicable diseases

See also 1143, Communicable diseases of animals

1023

Quarantine and isolation

1025 Leper homes

- a La. Heard, 9 My 04, p.56-57.

1026

Protective inoculation

1027 Vaccination

- a Md. Smith. "Systematic vaccination is the cheapest and only effective way to check the disease [smallpox] . . . The office of the state vaccine agent should be more generously provided for, so that he may be enabled to furnish the best and purest virus in quantities sufficient for every need." 6 Ja 04, p.23

1030

Special diseases**1042 Tuberculosis**

- a **Md. Smith.** "... I wish to invite your notice to the exceedingly clear, painstaking and comprehensive report of the [Tuberculosis] commission created by act of 1902. . . . The loss in the productive capacity of the state by reason of the great number of people incapacitated by tuberculosis, and those whose time must be given to nursing the sick must be enormously greater than the cost of caring for the sick in scientifically arranged institutions, and adopting simple precautionary measures." 6 Ja 04, p.23-25
- b **N. J. Murphy.** "At its last session the Legislature made an appropriation for the building of a sanatorium for the consumptive poor, but by an oversight the law authorizing the construction of the building was not passed. . . ." 12 Ja 04, p.9
- c **O. Nash.** Report of commission to investigate the desirability of establishing tuberculosis sanatoriums. 4 Ja 04, p.20-21
- d **R. I. Garvin.** "I . . . recommend that . . . \$50,000 be appropriated in order that the state sanatorium for tuberculous patients may be furnished and put into use forthwith. . . ." 13 S 04, p.8

1065

Nuisances (general). Miscellaneous health regulations*See also 1191, Drainage; 2660, Sewerage*

1079

Pollution of water*See also 932, General supervision; 2660, Sewerage*

- a **N. Y. Odell.** "... Inasmuch as typhoid fever is very frequently caused by polluted supplies of potable water, it is now classed as a preventable disease. The general acceptance of this view resulted in the passage of chapter 468 of the laws of 1903, entitled 'An act to amend the public health law relative to the discharge of sewage and other waste matter into the waters of the state.' . . . A complete record of the sources of public water supplies, and the possible conditions which may produce epidemics of typhoid fever or other infectious diseases, should be secured by the health commissioner, and I recommend that an appropriation be granted by the Legislature for this purpose." 6 Ja 04, p.32

1082

Signs. Advertisements

- a **N. J. Murphy.** "I venture, with some diffidence, to call the attention of the Legislature to the increasing number of advertising signs located on the various lines of railway throughout the state, in the hope that some means may be devised not only to prevent their increase, but to remove those already in existence.

Public safety

1090-109

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New Jersey is a beautiful state, with an attractive and varied landscape. This is gradually being shut out from view of the traveler. On the leading line of railway between Jersey City and Trenton there were in the early part of December, by actual count, 1601 signs. They are of all kinds and sizes. They are disfigured by all sorts of effigies of impossible men and women, and they advertise remedies for all the ills that human flesh is heir to, as well as all sorts of foods and drinks, and the various contrivances born of human ingenuity. . . I am told by the lawyers that the problem is difficult, but I have thought that perhaps the solution might be through taxation—made so high as to be effective. In the interest of a suffering and indignant public I present the subject to the Legislature in the hope that they may be able to find a remedy.”

12 Ja 04, p.10-11

1090

Public safety

Protection of human life from accidents, casualties etc. *See also* 1313, Railroads; 2044, General workshop regulations

1092

Fires

1093

Fire marshals. Inspector

a Md. Smith, 6 Ja 04, p.34.

1099

Buildings: sanitation and safety

See also 2044, General workshop regulations

a Mass. Bates. “The terrible catastrophe that has recently befallen the city of Chicago was one that wise laws and their rigid enforcement might have prevented. . . I believe that this is work that the Legislature should not undertake without having at hand the results of an investigation by experts; and I therefore suggest the earliest possible action looking to the appointment of a commission for this purpose, in order that legislation may speedily follow.”

7 Ja 04, p.26-27

1109

Public halls

a Md. Smith. “The narrow duties of the fire marshal might profitably be enlarged so as to clothe him with authority and power to investigate the construction and arrangement of buildings designed for use as places of amusement and to house large crowds of people, with a view to determining their safety and the conveniences for escape in case of fire. . . ”

6 Ja 04, p.35

1112

Floods. Life saving
See also 1197, Levees and dikes

1113

Floods

- a **Kan. Bailey.** "The floods which have recently swept over a portion of our fair state have created conditions unusual and extraordinary. . . In some of the counties, those charged with the responsibility of repairing these great losses find themselves helpless under the law to meet these unusual and extraordinary conditions and it is for the purpose of giving such enabling legislation as is necessary to meet these emergencies, caused by the recent floods, that I have exercised the power vested in me by the Constitution of our state to convene the Legislature in extra session. . . "

Special message, 24 Je 03

1143

Communicable diseases of animals

1144

General. Inspection and supervision

- a **Md. Smith,** 6 Ja 04, p.26.
- b **La. Heard.** "The commissioner [of agriculture and immigration] renews the recommendation made in his last report, that greater protection should be given the live stock interests against the dangerous and fatal contagious and infectious disease to which farm animals are susceptible, and he recommends that his department be given the necessary means and authority to cope with the subject on the lines adopted by some of the other states."

9 My 04, p.16

1180

Control of waters

1182

Irrigation. Water rights, power, storage

- a **U. S. Roosevelt,** 7 D 03, p.20.

1191

Drains. Dikes. Levees

See also 1182, Irrigation; 2660, Sewerage

1192 General. County and township ditches. Drainage districts

- a **Fla. Jennings,** 7 Ap 03, p.67-78.
- b **Fla. Jennings.** " . . . Drainage of the everglades is entirely feasible and practicable, thus reclaiming 3,760,000 acres, a large

percentage of which would be available, and the most valuable agricultural land in the Southern States. . . I recommend that the Congress of the United States be memorialized for an appropriation of a million dollars to this end." 7 Ap 03, p.68-78

- c **Ia. Cummins.** "Our experience during the past two years has shown with conclusive force that our laws relating to drainage need complete revision. . . I earnestly recommend such adequate legislation as will enable the landowners of this state to protect themselves against rainfalls such as we have recently witnessed."

12 Ja 04, p.26

1197

Levees. Dikes

- a **La. Heard,** 9 My 04, p. 22-27. **La. Blanchard,** 16 My 04, p.16.
b **La. Heard.** " . . . I renew my recommendation of two years ago, that the several levee boards be required to make biennial reports of their operations to the General Assembly." 9 My 04, p.27

1200

Transportation and communication

See also 1800, Navigation

1201

General

1203

Rates. Discrimination

1212

Rates (general)

- a **Wis. La Follette.** Special message on state regulation of railroad rates. 28 Ap 03, 183p.
b **Wis. La Follette.** Special message recommending adoption of maximum freight rates to prevent railroads from increasing rates to offset proposed increase in taxation.

7 My 03, Senate Journal, p.1006-9

1238

Race distinction

- a **Miss. Vardaman.** "Separate sleeping and dining cars for the races, and a strict enforcement of the law as a means of preventing conflicts and promoting harmony between the races" recommended.

19 Ja 04, p.19

1266

Railways. Car companies. Express

See also 500, Corporations; 840, 845, Taxation; 2040, Labor

1267

General. Incorporation

Chiefly steam roads but many of the general laws and special provisions include all kinds of railways.

- a **S. C. Heyward,** 12 Ja 04, p.21.

1280 State ownership and aid

1283 Exemptions from taxation

- a La. Blanchard. "In order to encourage railroad construction in the state, the Constitution of 1898 declared that any railroad, or part of such railroad, that should be built between the adoption of the Constitution and Jan. 1st, 1904, would be exempted from taxation for a period of 10 years. . . Under this stimulus railroad building in Louisiana has been brisk. . . I think it would be the part of wisdom and sound policy to continue this exemption for another period, say, 6 or 10 years from the 1st of January, 1904. . . "

16 My 04, p.12-13

1285 General supervision and regulation

1286 General. State boards

- a La. Heard, 9 My 04, p.57-58. S. C. Heyward, 12 Ja 04, p.21.

1313 Public safety, comfort and order

1314 Safety regulations

- a U. S. Roosevelt. "In my last annual message the attention of the Congress was called to the necessity of enlarging the safety appliance law, and it is gratifying to note that this law was amended in important respects. . . The federal inspection of safety appliances, for which the Congress is now making appropriations, is a service analogous to that which the government has upheld for generations in regard to vessels, and it is believed will prove of great practical benefit, both to railroad employees and the traveling public. As the greater part of commerce is interstate and exclusively under the control of the Congress the needed safety and uniformity must be secured by national legislation."

7 D 03, p.22-23

1317 Crossings

1319 Highway crossing

- a Mass. Bates, 7 Ja 04, p.6.
- b N. Y. Odell. " . . . As is well known, heretofore almost all of these improvements [grade crossings], so far as the state has been concerned, have been restricted to the rural communities. The state has declined to aid in the construction of roadways within the boundaries of the cities. But it is the state's duty to protect the lives of its citizens, whether in the cities or rural communities. Under existing laws the state contributes 25%, the locality 25% and the railroads 50% for removing crossings at

Street railways. Canals

1336-86

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grade. . . If the state is to continue along this line it would be well to define some maximum limit to which it should go, and the whole work thereafter should be under the control of the Railroad Commission, appropriations being made in accordance with their recommendations. It would be well also to prohibit by statute any future grade crossings in the state in the construction of railroads so that this expense may be guarded against in the future. . . "

6 Ja 04, p.28

1336

Street railways. Rapid transit

1352

General supervision

- a O. Herrick. "The rapid growth of interurban railroads, street railroads, and other quasi public corporations, and the apparent demand for their enlargement in the next few years, render it desirable that they shall be regulated and governed by wise legislation, that will encourage the investment of capital to the extent that it is necessary to meet the demands and requirements of the public; that will insure it protection when invested, that such corporations shall be so regulated that the public shall secure the most efficient service at reasonable cost."

11 Ja 04, p.5-6

1365

Fares. Passes

- a R. I. Garvin. Three cent fares for the street railways of Providence recommended.

5 Ja 04, p.13

1383

Canals

1386

Public ownership and aid

- a La. Heard, New Basin canal, 9 My 04, p.63. O. Nash, report of special canal commission, 4 Ja 04, p.21. U. S. Roosevelt, Isthmian canal, 7 D 03, p.26-36.
- b N. Y. Odell. "The adoption of the referendum for the enlargement of the canal system of the state brings to us responsibilities which call for sound judgment and conservative treatment. . . The Expert Board provided for in the act will be soon appointed by me. I hope to take such action at this initial period of the work as will take the whole project out of political surroundings. Merit should and will be the sole test in the selection of its individual members. That the board may be unhampered in its work it is desirable that the terms of office of its members should be coincident with the period of construction, and that removals

should be for cause only upon charges duly sustained. . . The change in route, the abandonment of the present canal in part, the purchase of other property, should receive careful attention. A board of appraisers of say three members should be authorized to effect settlements with owners. If, as I am firmly convinced, no mistakes have been made, then the most important subject left for the consideration of the Legislature is that of providing ways and means for the raising of the money to be expended. . . "

6 Ja 04, p.4-11

- c O. Nash. " . . . Undoubtedly during a large number of years the canals have been a burden to the state. Their friends claim that this burden is offset by the indirect benefits received by the people from them. This burden ought not to continue to be borne, unless the public works are modernized, so that they will at least become self-sustaining. . . "

4 Ja 04, p.22

1422 Commerce and industry (general)

- a Mass. Bates, 7 Ja 04, p.37-38.

1424 Weights and measures

1425 General

- a R. I. Garvin. Sealer of weights, measures and balances recommends that an equitable scale of fees for testing scales be adopted; also that milk jars and coal baskets be required by law to be of standard capacity.

5 Ja 04, p.14

1464 Adulterations and imitations. Branding Inspection

See also 955, Adulterations liable to affect public health

1466 Adulteration. Inspection

1493 Petroleum products

- a Fla. Jennings. " . . . I recommend . . . that a law be enacted requiring an inspection of illuminating oils by the state chemist. . . "
- 7 Ap 03, p.51-52
- b Ia. Cummins. "I concur in the recommendation of the secretary of state to the following effect: All supplies furnished to [oil] inspectors should be bought and furnished by the Executive Council. Dealers in oils, when giving notice to the inspectors of the arrival of oil, should inform the secretary of state of the quantity to be inspected."

12 Ja 04, p.21

Warehouses. Industries

1508-675

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1508

Warehouses. Markets

1520

Tobacco warehouses

1524 State warehouses

a Md. Smith, 6 Ja 04, p.39.

1630

Encouragement of industries

1661

Expositions

See al o 1834, Fairs

1667 Lewis and Clark Exposition

a U. S. Roosevelt, 7 D 03, p.17.

1669 Louisiana Purchase Centennial

a Ga. Terrell, 22 Je 04, p.14-16. Ky. Beckham, 5 Ja 04, p.19. La. Heard, 9 My 04, p.67-68. Md. Smith, 6 Ja 04, p.43-44. Mon. Toole, 26 My 03, p.1-2. O. Herrick, 11 Ja 04, p.7. S. C. Heyward, 12 Ja 04, p.35-36. U. S. Roosevelt, 7 D 03, p.17.

b La. Blanchard. Special message relating to disposal of state exhibits at Louisiana Purchase Exposition. 24 Je 04

1675

Resources and attractions. Immigration

a Ga. Terrell, collection of an exhibit of the resources of the state, 22 Je 04, p.13-14.

b Ga. Terrell. "The scarcity of labor during the growing and harvesting season has become a serious problem to the farmers of Georgia, and similar conditions throughout the Southern States have checked the production of cotton. . . Immigration may be best encouraged through a state commission, and I recommend that one be established. . . "

22 Je 04, p.5

c La. Heard. " . . . By the energetic efforts of the Department [of Agriculture and Immigration] a large number of real estate and colonists excursions have been induced to come to this state during the past two years, and these excursions have been attended with such splendid results as to justify the commissioner in the opinion that Louisiana has accomplished more along these lines during that period than any state in the South. Organizations to assist in advertising the state and securing immigration to their several localities have been perfected in 30 parishes through the assistance and cooperation of this department. These organizations number 43, and the influence of their work can not be over-estimated."

9 My 04, p.16

d Md. Smith. "The Board of Public Works undertook the publication of a book on the resources of Maryland, as authorized by chapter 512 of the acts of 1902. . . The book contains much valu-

able information and is written and illustrated attractively. It is in great demand and has been widely distributed, thereby attracting attention to our advantages and resources." 6 Ja 04, p.34

- e **Md. Smith.** "... Within the past 18 months the Bureau [of Immigration] has been largely instrumental in locating over 4000 settlers in Maryland, who came here principally from Austria. Germany and Great Britain, and also from other states of the Union. The bureau has aided in finding a market for nearly 35,000 acres of land, sold to these immigrants . . . " 6 Ja 04, p.38
- f **Miss. Vardaman.** Encouragement of immigration, and the investment of foreign capital in this state, by just treatment and equal taxation recommended. 19 Ja 04, p.12
- g **S. C. Heyward.** "... Nearly all of the Northern and Western States have bureaus of immigration, with a commissioner in charge, and every effort is being made to attract desirable settlers. Many of the Southern States also are at work. Alabama has such an office, with a commissioner of agriculture and industries, and much has been accomplished for the state. North Carolina has an immigration department connected with the Department of Agriculture, and Maryland maintains such a department under the direction of a commissioner of the land office. . . I . . . recommend . . . the establishment of a bureau of commerce and immigration, with a secretary or commissioner in charge of this department." 12 Ja 04, p.25-26

1677

Banking

See also 500, Corporations

1678

General

Including all provisions relating to banks of deposit or relating to two or more of the following classes.

1679

General and miscellaneous

- a **La. Heard,** 9 My 04, p. 33-34.
- b **R. I. Garvin.** "... The people of Rhode Island are entitled to the protection accorded in most of the other states by state bank examiners and by other restrictions upon loose banking. . . " 5 Ja 04, p.11
- c **S. C. Heyward.** "During the past year my attention was called to an act passed by the General Assembly in 1896, creating the office of state bank examiner, and I was requested to appoint such an officer. Investigation revealed the fact that no such appointment had ever been made . . . The law is defective, first, in that

Trust and safe deposit

1680-98

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there is no provision made as to what officer shall pay the salary of the examiner . . . The provisions of the act require that the state banks should be responsible for the payment of the salary of such an officer, but . . . there is no summary process to compel the banks to pay assessments for this purpose. An insuperable difficulty . . . is that no appropriation has been made for this purpose, and the Constitution specifically requires that money shall be drawn from the treasury only in pursuance of an appropriation made by law. While I do not believe in the principle of taxing corporations to pay the salaries of state officers whose duty it is to examine and control them, still, should you, gentlemen, deem it wise to perfect the act as it now stands, I would respectfully offer the following suggestions: First, that the salary named be increased to an amount sufficient to command the services of a capable man, who is also an expert accountant. . . I would suggest secondly, should this appointment be made, that rules and regulations for state banks be fixed by statute, similar to those legal restrictions governing the duties of a national bank examiner."

12 Ja 04, p.34

1680 Inspection. Reports. Departments

- a O. Herrick. "Under the provisions of the national banking law, frequent examinations are made by competent examiners of the condition and soundness of banks established under the laws of the United States. Unfortunately, institutions established under the laws of the state of Ohio for banking purposes have, in some instances, met with disastrous failure, which might have been prevented and the public warned if a similar system should be established for them. . . I recommend either the establishment of a state banking department or the enlarging of the powers of the state auditor, so that all banking and trust companies incorporated under our state laws shall be subjected to thorough and confidential examination . . . "

11 Ja 04, p.5

1697

Trust and safe deposit companies

1698

General and miscellaneous

- a Mass. Bates. "Formerly, no corporations were organized except under special acts. We have now, however, general laws covering nearly all classes of corporations. . . Two years ago a commission was directed to investigate and report a general law for the formation of trust companies. . . I believe it to be time for the adoption of such a law."

7 Ja 04, p.45-46

1707

Savings banks

1708

General and miscellaneous

- a Mass. Bates, 7 Ja 04, p.34.

1712

Deposits

- a Mass. Bates. "Prior to 1876 the savings banks were permitted to place deposits on interest either monthly or quarterly, it being optional with the banks to adopt either system. Since that time, however, the statute has provided that deposits shall be placed on interest only once in three months. . . The more often the period for the beginning of interest, the greater the inducement for frequent deposits. I suggest, therefore, that the law be so changed that the banks may be permitted, as formerly, to place deposits on interest once a month." 7 Ja 04, p.34-35

1730

Insurance

See also 500, Corporations; 844, Taxation of insurance companies

1731

General (all classes)

1732

General

- a La. Heard, 9 My 04, p.8-10.
- b Ia. Cummins. "I call especial attention to that part of the auditor's report relating to insurance. . . I was formerly of the opinion that an independent insurance department should be created, but I have changed my mind . . . I concur in the recommendation of the auditor that he should have the authority to employ at a yearly salary an examiner and actuary, with such other clerical assistance as may be necessary. . . I concur also in the recommendation that an effort be made to define what a contract of life insurance is. . . I concur most heartily in the recommendation relating to reinsurance or consolidation. It is highly necessary for the protection of policy holders that the state shall determine the conditions under which one company shall be absorbed by another. . . Upon my own behalf I earnestly urge upon you an amendment to the law which shall provide that all fees paid by insurance companies for examinations, or for any other service rendered under the direction of the state, shall be paid into the state treasury, and that whatever compensation is allowed to those who perform the work, shall be paid by the state. As the law now is, the insurance companies pay to the examiners whatever sum may be charged for service and expense, and the examiners make no account of it whatever.

Life and fire insurance

1732-64

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The practice affords opportunities for wrongdoing that are intolerable in a state which cherishes a reputation for integrity and fair dealing. . . " 12 Ja 04, p.9-10

- c **N. Y. Odell.** "It is suggested that the insurance law be so amended as to provide that cooperative insurance companies' certificates be filed in the Insurance Department, instead of in the secretary of state's office . . . It is also recommended that certificates of corporations, incorporated under the insurance law, shall be filed with the Insurance Department alone. . . " 6 Ja 04, p.30

- d **O. Nash,** amendments to insurance laws proposed by superintendent of insurance, 4 Ja 04, p.23.

- e **R. I. Garvin.** Insurance commissioner recommends state supervision over financial institutions to a greater extent and that laws be passed regulating beneficiary associations. 5 Ja 04, p.14

1733 State departments

- a **Md. Smith,** 6 Ja 04, p.37.

1753

Life and accident

1759

Mutual insurance

1761

Fraternal beneficiary societies

- a **Mass. Bates.** " . . . The insurance departments of all the states have for more than a year been giving special attention, in conference with the fraternal leaders, to drafting a measure that will tend to the conservative protection of these vast interests. . . "

7 Ja 04, p.33

1763

Fire and other casualty

See also 791, Insurance of public property; 1092, Fires

1764

General and miscellaneous

- a **La. Heard.** " . . . As a business proposition, it seems paradoxical that, while the volume of insurance business has increased with the general prosperity of the state and the ratio of losses has diminished, the premium rate has steadily increased. The inference is that we are paying for losses of other people and other commonwealths. . . The chief of the Department of Insurance suggests that the companies be permitted to maintain a joint inspection bureau to inquire into physical conditions of all fire risks located in this state as a means for the proper adjustment of premium rates and equitable dealings between insurers and insured. While I am not prepared to fully indorse this suggestion, it is worthy of your most serious consideration. A legislative com-

mittee, composed of experts, acting with the insurance commissioner, with authority to send for persons and papers, might be able to formulate a plan as a basis for suitable legislation, by which the desired results may be obtained. . . " 9 My 04, p.9-10

- b Miss. Vardaman. System of laws governing fire insurance companies, "which will bring about cheaper rates of insurance, discourage arson and encourage honesty," recommended. 19 Ja 04, p.12

1800

Navigation. Waterways

See also 1383, Canals

1803

Harbors

- a La. Heard, Board of Commissioners of the Port of New Orleans, 9 My 04, p.64-66. Mass. Bates, 7 Ja 04, p.5.

1822

Agriculture

See also 955, 1466, Adulteration; 1143, Communicable diseases of animals; 2344, Agricultural schools

1824

Supervision and encouragement (general)

1825

General

- a La. Heard, 9 My 04, p.14-19. N. Y. Odell, 6 Ja 04, p.36.

1826

State departments

- a Mass. Bates. "The State Board of Agriculture . . . is composed of the governor, lieutenant governor, secretary of the commonwealth, the president of the Massachusetts Agricultural College, the chemist of the board, the secretary of the board,—all of whom are members ex officio; there are also three members appointed by the governor and one appointed from and by the Massachusetts Society for Promoting Agriculture, and one by each of the agricultural societies receiving an annual bounty from the commonwealth. Thus there are over 40 members of the board. The secretary, who is its executive officer, is elected by it.

The Dairy Bureau is nominally under the Board of Agriculture, and is composed of three of its members. These members are not selected by the board, but are appointed by the governor.

There is a cattle bureau, nominally under the Board of Agriculture, and a part of it, but practically separate from it. This bureau is composed of a single commissioner, known as the chief of the Cattle Bureau. He is appointed by the governor. . .

The agricultural interests of the commonwealth have the right to a state department, with a single commissioner at its head, appointed by the governor, with deputies acting under

Horticulture. Forestry

1828-91

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him, having charge respectively of the cattle, dairy and forestry interests, and possibly of the farmers institutes. I would retain the board as an advisory board to such a department, with meetings to be held by it at stated intervals. . . " 7 Ja 04, p.41-44

1828

Experiment stations

See also 2344, Agricultural schools

- a Fla. Jennings, 7 Ap 03, p.15. La. Heard, 9 My 04, p. 16-18.

1829

Farmers institutes. Reading circles. Lectures

- a Ga. Terrell, 22 Je 04, p.11. La. Heard, 9 My 04, p.14-15.

1832

Statistics. Weather and crop service

- a La. Heard, 9 My 04, p.14.

1834

Associations. Fairs

1835

General and miscellaneous

- a La. Heard, 9 My 04, p.15.

1842

Horticulture. Diseases and pests

1846

Boll weevil

- a La. Heard. Message to special session called to consider measures to prevent the invasion of boll weevil.

10 D 03, House Journal, p.4-7

- b La. Heard. "At the extraordinary session of the Legislature in December last, this [Crop Pest] Commission was created with plenary powers to prevent the invasion of the Mexican boll weevil into the cotton fields of our state, and to adopt such measures as might be found necessary for their extermination. The commission was organized in February of the present year, and at once adopted rules and regulations and established quarantine restrictions upon all infected products from the infected counties in the state of Texas. . . "

9 My 04, p.20-21

- c. U. S. Roosevelt. "The cotton-growing states have recently been invaded by a weevil that has done much damage and threatens the entire cotton industry. I suggest to the Congress the prompt enactment of such remedial legislation as its judgment may approve."

7 D 03, p.22

1890

Forestry

See also 1598, Arbor day; 1742, Roads

1891

General supervision

- a Fla. Jennings. " . . . The turpentine men and the lumber men are destroying their source of supply without respect to their own or to the sovereign welfare of the state . . . In my opinion, they

ADMINISTRATIVE LAW AGRICULTURE

[the forests] should be protected by the enactment of a law on this subject fixing the period within which time trees should be cut or 'boxed,' limiting the size of the trees that should be boxed, regulating the number of boxes per tree, and otherwise protecting our forests."

7 Ap 03, p.49-50

- b **Mass. Bates.** "Legislation is needed for the preservation and growth of forests. . . I suggest legislation that shall provide for the appointment of a state forester, competent, by education, special training and practical experience, to direct to the best advantage the efforts of towns and individuals in this matter, and capable of wisely planning and developing on a broad policy state forest reservations. . . Three million acres, or three fifths of the area of the state, are at the present time either woodland or waste land. . . We have a law permitting town forest reserves, but it has not been effective. We must adopt a more adequate policy." 7 Ja 04, p.39-41
 - c **O. Herrick.** " . . . It is evident that the state of Ohio should awake to the benefits to be derived in replacing, to some extent at least, the trees and forests which have disappeared. . . "
- 11 Ja 04, p.8
- d **S. C. Heyward.** " . . . Our rapidly disappearing forests . . . are one of our great natural resources, and would so remain with proper care and protection. . . A process of gradual protection and replenishment will bring incalculable benefits not only to us, but to the generations that are to follow. In many of our states and in most of the older countries, the government takes an active interest in forest preservation, and until we can do something better I would like to see Arbor Day observed in every county in South Carolina . . . "
- 12 Ja 04, p.36-37
- e **U. S. Roosevelt.** " . . . The government's forest work should receive from the Congress hearty support, and especially support adequate for the protection of the forest reserves against fire. The forest reserve policy of the government has passed beyond the experimental stage and has reached a condition where scientific methods are essential to its successful prosecution. The administrative features of forest reserves are at present unsatisfactory, being divided between three bureaus of two departments. It is therefore recommended that all matters pertaining to forest reserves, except those involving or pertaining to land titles, be consolidated in the Bureau of Forestry of the Department of Agriculture."
- 7 D 03, p.21-22

1894

Forest preserves

- a **N. Y. Odell.** "The purchase of land in the Adirondacks and Catskills by the state was discontinued two years ago. because of

the belief that some comprehensive plan should be formulated for the continued acquirement of property and for avoiding the constant increased price of land which followed each appropriation. A committee appointed in accordance with the recommendation made in my last annual message has investigated this subject and will doubtless report some method of arriving at the desired results. It would seem to me that in every private camp, since it is the object of the state to protect the water supply, that at least the timber rights should be secured either through purchase or condemnation, and that all other lands should be acquired in full. There are in private preserves 705,914 acres, and in other holdings 1,356,816 acres. Much of this land has been lumbered over. Much has been burned and destroyed. In both cases replanting and protection should begin at once. The numerous forest fires, causing great destruction, call for greater vigilance upon the part of the state. . . The many disputes, with consequent litigation as to ownership, it seems to me call for a comprehensive plan to prevent the acquirement of lands by people who rely upon vague titles for possession. . . The recent fires have left dangerous debris which should be removed. To sell it is beyond the power of the state, but to clear up burned over tracts is necessary for replanting. If a constitutional amendment is required to accomplish this end, it should be undertaken at once.

For the purpose of aiding the townships of which the Forest Preserve forms a part, the state has generously consented to an assessment of its land for all tax purposes. . . I would suggest an amendment to the law to govern this particular class of state property which would provide in effect that the assessment upon such property should be made conjointly with the State Board of Tax Commissioners . . . "

6 Ja 04, p.15-16

1895

School of forestry

See 2347

1900

Game and fish

1901

General

1902

General

- a** La. Blanchard. "A law to prohibit absolutely the capture or destruction of the song birds of the state should be enacted. So, too, such changes in the laws heretofore passed to protect game, as are needed to give adequate protection, should be made."

16 My 04, p.17

- b **Md. Smith.** "The number of laws enacted for the protection of fish and game, and the multitude of local laws, which vary in each county, confuse the public and often cause trouble to those who have every desire to obey the law. An effort should be made as far as circumstances will permit to make the game laws more uniform throughout the state." 6 Ja 04, p.41-42

1903 State boards. Officers

- a **Fla. Jennings.** "In transmitting the report of . . . commissioners of fisheries, I beg to call your attention to the fact that the Legislature has not made any appropriation for the expenses of these commissioners, as provided for in section 457, of the Revised Statutes; consequently, what has been done has been accomplished through the generosity of the commissioners at their own expense. . . ." 7 Ap 03, p.12

1959 Fish

1961 Fish culture

- a **Md. Smith,** 6 Ja 04, p.40-41.

1965 Minimum size

- a **Md. Smith.** "My attention was called by representatives of the Game and Fish Protective Association last summer to the wholesale, wanton and wasteful destruction of fish too small for market in the upper waters of the Chesapeake bay. . . ." 6 Ja 04, p.42

1966 Special methods of fishing

1972 Weirs. Screens

- a. **Md. Smith.** "The [fish] commissioners . . . recommend that the setting of pounds and fykes be regulated so that the fish may at least be able to reach their spawning ground in numbers sufficient to insure the future supply of fish and the profitable continuation of the fish business." 6 Ja 04, p.41

1974 Special kinds of fish

1986 Salmon

- a **U. S. Roosevelt.** "The commission appointed to investigate, during the season of 1903, the condition and needs of the Alaskan salmon fisheries, has finished its work in the field, and is preparing a detailed report thereon. . . ." 7 D 03, p.18

Shellfish. Mining

1999-2039

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1999

Shellfish. Miscellaneous

2010

Oysters

2011 General

- a La. Heard, 9 My 04, p.66. Md. Smith, 6 Ja 04, p.18-19.
- b La. Blanchard, special message relating to oyster industry.
10 Je 04, House Journal, p.273-74
- c S. C. Heyward. " . . . It should be the policy of the state to legislate upon this subject [oyster industry], with a view first to protect and develop the industry, and, secondly, to make it a source of revenue to our state. . . Other states similarly situated upon the coast derive large revenues from this source, that of Virginia being more than a quarter of a million dollars, while Maryland's yearly revenue is about a half million dollars. With us, Beaufort county alone derives a revenue from this source, while shipments are annually made from the state aggregating several hundred thousand dollars, for which we receive no equivalent, depleting and destroying the supply. I recommend that a license system, with regulated fees, be adopted, requiring all persons who fish or gather oysters for market to procure such a license. The fund derived from these licenses should be equally divided between the state and the county . . . There are now a number of oyster canneries in our state, doing a large business, and, of course, these should be specifically included in any license system. The conveying of oysters beyond the borders of the state for canning purposes should be prohibited . . . Our present law allows one to reserve certain territory for the purpose of cultivating oysters, but affords no protection for this. If we wish our citizens to engage in this industry it is only just that they should be protected, and I recommend that legislation with this purpose in view be adopted. . . "

12 Ja 04. p.37-38

2020

Mines and mining

2039

Phosphate mining

- a S. C. Heyward. " . . . At your last session your body saw fit to abolish the office of phosphate inspector and to devolve the duties pertaining to that office upon the board of commissioners. Since the expiration of the term of that officer the companies have been reporting monthly to the comptroller general and myself. . . I would recommend that the state geologist be made a member of the board, and that, as far as practicable, the duties of the inspector be devolved upon this officer. The former importance

of this business reminds us that it is our duty to use our best endeavors to make it again, if possible, a source of revenue to the state, and expert supervision and study of the natural conditions will tend to accomplish this result." 12 Ja 04, p.34-35

2040

Labor

See also 354, Convict labor

2041

General. State bureaus and departments

See also 20, Bureaus of statistics

- a La. Heard, 9 My 04, p.62. La. Blanchard, 16 My 04, p. 17. Md. Smith, 6 Ja 04, p.37-38. Mass. Bates, 7 Ja 04, p.36. U. S. Roosevelt, 7 D 03, p.3-4.
- b Ia. Cummins. "... Even a casual examination of the subject makes it clear that we need more stringent legislation respecting child labor, fire escapes, the reporting of accidents, and the competency of employees whose work involves the lives and safety of others. Our factory inspections are imperfect, simply because the force in the commissioner's office is not sufficient. . . ." 12 Ja 04, p.21
- c R. I. Garvin. More efficient factory inspectors and commissioner of industrial statistics needed. 5 Ja 04, p.13

2044

General workshop regulations

See also 1099, Buildings, sanitation and safety

- a La. Heard. "A suggestion of the commissioner [of labor] which is worthy of your consideration, is that his department be empowered with authority to visit and inspect all factories, mills and workshops, in order that he may examine into the methods of protection from danger to employees and sanitary conditions thereof, with a view to correcting any abuses or dangers that may exist." 9 My 04, p.62
- b N. J. Murphy. "... With its small appropriation it is manifestly impossible that the official supervision should be efficient in all the matters intrusted to the department [of factory inspection]. . . The enforcement of the child labor law has received especial attention . . . I think, however, some amendments to the law should be made. The department is charged with some duties that it should be relieved of. There should be an increased number of inspectors, and, above all, the head of this important department should be in perfect sympathy with the views of the people of the state." 12 Ja 04, p.12-14

Hours. Employment

2082-136

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2082

Sweat shops

- a **Md. Smith.** "In the light of a decision rendered by . . . Judge Ritchie, the so called sweat shop law will need amendments to make its provisions clearer and more effective. A greater number of the statistician's reports should be published." 6 Ja 04, p.38

2084

Hours

2094

Mines

- a **Mon. Toole.** "At your last regular session a bill was passed, submitting an amendment to the Constitution to the qualified electors of the state, prohibiting the employment of children under 16 years of age in underground mines, and making a period of eight hours a day's labor on public works and in mills, smelters and underground mines. This measure . . . failed to become operative because said amendment, together with the ayes and noes of each house thereon, was not entered in full on their respective journals, as required by section 9, article 19 of the Constitution. If this measure is passed now it can be submitted at the next general election as originally intended, otherwise it will fail through a mere clerical omission." 1 D 03, p.4

2097

Railways

2098 **Street railways**

- a **R. I. Garvin.** Limitation of the labor of motormen and conductors to 10 within 12 consecutive hours recommended. 5 Ja 04, p.13

2112

Employment

2113

General

2118 **Children**

- a **Fla. Jennings.** Child labor law recommended. 7 Ap 03, p.47
- b **La. Heard.** "The commissioner [of labor] calls particular attention to the inadequacy of the present statutes regulating the employment of children in occupations deleterious to health and morals. . . ." 9 My 04, p.62
- c **R. I. Garvin.** Factory inspectors recommend that the age limit at which children can go to work be raised from 12 to 13 years; that no child under 15 years of age be permitted to do any night work; that certificates of age should be placed at the call of the factory inspectors. 5 Ja 04, p.15

2134

Labor disputes

2136

Conciliation and arbitration

- a **Fla. Jennings.** " . . . Any law which will aid in bringing about peaceful and prompt settlement of labor disputes should be heartily

encouraged, and will be a step in the direction of establishing better relationship between capital and labor." 7 Ap 03, p.61

- b **Mass. Bates.** "Since 1886, which was a year of strikes, there has operated in this commonwealth a system of settling labor difficulties. . . In the last year there were before the board 79 cases for arbitration and 102 cases of conciliation. There were 188 complaints made. Advice was given in 118 cases; there were 640 interviews, 96 conferences, and 352 unreported settlements in which the influence of the board was traceable. Hardly a day elapses that a difficulty of some kind is not brought to the board's attention, and advice given which materially improves the relations of the employer and the employee. . . " 7 Ja 04, p.35-36
- c **N. J. Murphy.** "I repeat my recommendation to a former Legislature that the Board of Arbitration be abolished. . . " 12 Ja 04, p.16

2138

Boycotts. Interference

- a **N. Y. Odell.** " . . . Stringent laws which will protect the employer against blackmailing designs are as important as the protection of the workingman in his rights. I believe the time has come when every sensible man recognizes the propriety of legislation which will accomplish these results." 6 Ja 04, p.25

2139

Strikes

- a **Ia. Cummins,** calling out of militia to preserve order during strike at Dubuque, 12 Ja 04, p.26.

2140

Charities

See also 60, State institutions; 1761, Fraternal beneficiary societies

2141

General

- a **Ky. Beckham.** "The general condition and management of the charitable institutions have never been better than at present, and yet I am more convinced than ever after nearly four years' experience with them that the plan of their management is the most expensive and unreasonable it is possible to devise and I do not believe the like of it can be found in any other state. . . They should be made state, and not local, institutions, for each Legislature is met with large and extravagant demands from them because of the fact that under the present system they are more local than state concerns, and each locality is rivaling the others in trying to get the most money expended upon its institution. . . I . . . urge that you . . . place all of these charitable institutions under the control of a state board consisting of three members who shall

Poor relief. Blind

2142-91

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give their entire time to the management of them. These [local] boards should be abolished absolutely . . . " 5 Ja 04, p.12-13

2142

State boards and officers

- a U. S. Roosevelt, reports of Board of Charities for District of Columbia, 7 D 03, p.24.

2148

Poor relief

See also 2406, Pensions and relief

2149

General

- a Fla. Jennings, relief of the fire sufferers of Jacksonville, 7 Ap 03, p.59.

2160

Sick and disabled

See also 1018, Communicable diseases

2165

Hospitals

2166 State hospitals

- a La. Heard, 9 My 04, p.50-53.

2172

Children

See also 371, Juvenile offenders; 2118, Employment

2174

Crippled and deformed children

- a O. Nash, report of commission on crippled and deformed children, 4 Ja 04, p.21.

2184

Deaf and dumb

- a La. Blanchard, education of the colored deaf and dumb, 16 My 04, p.10.

2186

State institutions

- a La. Heard, 9 My 04, p.48-49. S. C. Heyward, 12 Ja 04, p.16.
- b Va. Montague. "The establishment of an institution for the colored deaf, dumb and blind is an urgent need. . . " 13 Ja 04, p.6

2188

Blind

- a La. Blanchard, care and education of the colored blind, 16 My 04, p.10. Md. Smith, 6 Ja 04, p.8.
- b Mass. Bates. "In accordance with a resolve of the last General Court, I appointed a commission to investigate the condition of the adult blind. Their report will soon be laid before you, and will merit your deep interest." 7 Ja 04, p.19

2191

State institutions

- a La. Heard, 9 My 04, p.46-48. S. C. Heyward, 12 Ja 04, p.16.
- b Va. Montague. "The establishment of an institution for the colored deaf, dumb and blind is an urgent need . . . " 13 Ja 04, p.6

2192

Insane*See also* 60, State institutions; 446, Guardianship

2193

General

- a N. Y. Odell. "The more modern methods of treatment of insanity, the consequent increase in requirements have brought us to an anomalous condition. Notwithstanding the additional space in hospitals, we apparently have not added to the dormitory capacity of our institutions. . . During the past three years appropriations amounting to \$3,170,000 have been made to meet these growing demands. In 1898 the capacity was rated at 20,656 and in 1901 it was reduced to 18,678. . . New York, like every other seaboard commonwealth, is experiencing the baneful results which come to it because of the ease with which degenerates and incompetents from other lands can be sent here. We are obliged to rely for protection upon the inspections which the federal government makes. It would seem to be the part of wisdom to protect ourselves, and to that end I should favor legislation for state inspection by a board of competent physicians. . . The separation of the chronic from the acute insane seems in every way to be dictated by wisdom and experience. Pavilions for the acute insane at New York, Brooklyn and other state hospitals, together with the necessary appropriation for the new building in northern New York, will call for an expenditure of \$2,175,000. . . " 6 Ja 04, p.17-18

2196

Asylums

2198 State asylums

- a Fla. Jennings, 7 Ap 03, p.40. La. Heard, 9 My 04, p.53-56. S. C. Heyward, 12 Ja 04, p.16-19.
- b Ga. Terrell. "There is at present some confusion in the laws relative to the management of the sanatorium and the reception of patients; and I recommend that a committee be appointed to confer with the superintendent of the sanatorium and the president of the board of trustees, with a view of revising the laws relating to the institution." 22 Je 04, p.19
- c Ky. Beckham. " . . . For about two years these three institutions [for the insane] have been so crowded that it has been difficult and in many cases impossible to provide accommodations for new patients. Frequently these patients after having been adjudged of unsound mind have been compelled to remain in their county jails for months, waiting until vacancies should arise in one of the asylums. . . I think the difficulty can be met by building additional room to one or more of the present asylums. . . "

5 Ja 04, p.12

- d **La. Heard.** Additional appropriation recommended for erection of buildings for Asylum for Insane Colored People at Alexandria.
10 D 03, House Journal, p.6
- e **Mass. Bates.** "During the last year the state has been making ready for the increased number of insane to come under its care this year, as the result of the legislation of 1900. . . Conditions are such that in the opinion of the State Board of Insanity the commonwealth must annually provide additional accommodations for 500 patients. If the expense for this purpose is to be a constant annual expense, it does not seem that a wise business policy would justify its bonding . . . It would seem to be the part of wisdom rather to provide for the payment of all such annual expenses out of the current income."
7 Ja 04, p.49-50

2203

Support. Right of admission

2204 **State support**

- a **Md. Smith.** "At present there are in Maryland probably something over 2000 dependent insane. The two state hospitals, Springfield and Spring Grove, are able to care for about half that number, and the balance are in the county almshouses, the jails, Mt Hope Asylum and Bay View Asylum. . . The present capacity of the state hospitals is taxed to the extreme, so that extensive additions will be required to care for all the dependent insane in Maryland who should properly be in one or the other of these excellent institutions."
6 Ja 04, p.25-26
- b **O. Nash.** "On the 14th of April, 1900, the General Assembly of Ohio passed an act which provided that 'On and after June 1st, 1903, it shall be unlawful to receive or keep at any county infirmary of the state of Ohio any insane or epileptic persons, and all sections authorizing the receiving or committing of such insane or epileptic persons to the infirmaries of the state are hereby repealed.' . . It was impossible to comply with the provisions of this act without increasing the capacity of such hospitals by the erection of new buildings. . . Appropriations were not made until the 12th day of May, 1902. . . When June 1st, 1903, arrived, these hospitals had no more capacity than they had when the act of April 14th, 1900, was passed. . . The act of April 14th, 1900, ought to be amended so that it shall not be unlawful to receive and keep insane and epileptic persons in the county infirmaries until after, say, August 1st, 1904 . . ."
4 Ja 04, p.14-15
- c **S. C. Heyward.** " . . In other neighboring states the number of inmates in the insane hospitals is limited by law . . . With us no such law or custom exists. Consequently, our institution seems

to serve as a receptacle for all classes of defectives and unfortunates, who are not otherwise provided for. . . The regents themselves ask whether greater care and local interest may not be secured by requiring the counties to pay a portion of the expenses for each patient sent to the hospital. The present system seems rather to offer an inducement for each community to place upon the state burdens and responsibilities which they should assume themselves in part, at least. . . "

12 Ja 04, p.18

2210

Epileptics

- a **S. C. Heyward.** " . . . There seems little doubt as to the need of the separation of inebriates and epileptics from the insane proper . . . Such inmates should be placed in separate buildings upon the present property."

12 Ja 04, p.18

2215

Feeble-minded

- a **Ky. Beckham.** "I ask that you make a comparison of the tables in the auditor's reports of the amounts paid by the state each year for the support of pauper idiots, and observe to what an alarming extent this imposition is growing. It has grown to be simply a big pauper pension system, and this General Assembly should by all means at least curtail its growth, if not abolish it entirely, and make each county do as it should in taking care of its own poor. . . "

5 Ja 04, p.17

2220

Education. Science. Culture

See also 2184, Deaf and dumb; 2188, Blind

2222

Elementary and secondary education

2223

General system. Codes

- a **Fla. Jennings,** 7 Ap 03, p.61-65. **Ky. Beckham,** 5 Ja 04, p.15-17. **La. Heard,** 9 My 04, p.10-14. **La. Blanchard,** 16 My 04, p.4-10. **Md. Smith,** 6 Ja 04, p.12-15. **Mass. Bates,** 7 Ja 04, p.10-12.
- b **Fla. Jennings.** " . . . I recommend that a law be enacted requiring that at least one high school, centrally located, shall be established and maintained for eight months in each county; that the superintendent of public instruction by and with the approval of the State Board of Education, be authorized to prescribe from time to time a course of study for, and rules and regulations for admission to the high schools and colleges of the state, and also to define and establish the requirements necessary for an applicant seeking a first, second or third grade teacher's certificate, and such

other requirements and provisions as may be deemed best for the interest of the public schools of the state." 7 Ap 03, p.65

- c **La. Blanchard.** "The negro is here. He is a man and a citizen. He is useful and valuable in his sphere. Within that sphere he must be guaranteed the equal protection of the law, and his education along proper lines—mainly agricultural and industrial—is at once a duty and a necessity. . . . No approach towards social equality or social recognition will ever be tolerated in Louisiana. Separate schools, separate churches, separate cars, separate places of entertainment will be enforced. Racial distinction and integrity must be preserved. But there is room enough in this broad Southland, with proper lines of limitation and demarcation, for the two races to live on terms of mutual trust, mutual help, good understanding and concord. . . ." 16 My 04, p.9

- d **Md. Smith.** "Those who have to follow our public school law, and who are familiar with its provisions, agree that it should be carefully revised by men familiar with the needs of our public school system, so that the law may be equal to our new and modern demands and in keeping with progressive school work. . . ." 6 Ja 04, p.12-13

- e **Miss. Vardaman.** ". . . Until the children living away from the towns and cities in the backwoods are given the same opportunity to acquire a common school education that is enjoyed by the children resident in the city, let us not establish any more institutions for higher education, than those we already have. . . ." 19 Ja 04, p.16

- f **Miss. Vardaman.** ". . . Certainly the education suited to the white child does not suit the negro. This has been demonstrated by 40 years of experience, and the expenditure in the Southern states of nearly three hundred millions of dollars. . . As a race, he is deteriorating morally every day. . . The startling facts revealed by the census show that those who can read and write are more criminal than the illiterates, which is true of no other element of our population. . . You can scarcely pick up a newspaper whose pages are not blackened with the account of an unmentionable crime committed by a negro brute, and this crime, I want to impress upon you, is but the manifestation of the negro's aspiration for social equality, encouraged largely by the character of free education in vogue, which the state is levying tribute upon the white people to maintain. . . Slavery is the only process by which he has ever been even partially civilized. God Almighty created the negro for a menial—he is essentially a servant. . . The first step towards changing the educational system of the state, so as to meet the demands of both races, it occurs to me, is for the Legis-

ADMINISTRATIVE LAW EDUCATION

lature to submit to the people a proposition to amend the Constitution, so as to give the Legislature unrestricted authority in dealing with the public school question. . . " 19 Ja 04, p.16-19

- g N. Y. Odell. Special message recommending creation of special commission to consider means of remedying existing friction between the two educational departments.

20 Ap 03, Senate Journal, appendix, p.80-81

- h N. Y. Odell. "In the administration of our school system two authorities are in control. The one, the Board of Regents, has for its particular function the charge of higher education, while the so called primary or common school education was placed by statute under the superintendent of public instruction. From time to time friction has arisen, with results which have been in no way beneficial to the cause of education. . . Primary education should be understood to include all schools where academic education is not a part of the curriculum. Academic education, on the other hand, should be under prescribed courses with not less than a three years term. With this line of demarcation the duties of the superintendent of public instruction and the regents could be determined and fixed by statute. . . A joint committee appointed at the last session of the Legislature has this subject under consideration, and it is to be hoped that from their report and these suggestions, needed legislation may result. . . " 6 Ja 04, p.12-13

- i O. Herrick. Revision of school laws recommended. 11 Ja 04, p.7
j R. I. Garvin. Board of Education recommends that more definite provision be made by the state for defective children; that provision be made to teach the adult blind; that the age limit at which children can go to work be raised to 13 years. 5 Ja 04, p.14

2228 Officers. Boards

2229 State

- a La. Blanchard, 16 My 04, p.8.
b Mon. Toole. Appropriation for clerk for superintendent of public instruction recommended. 1 D 03, p.4

2230 County

- a La. Blanchard. " . . . I recommend . . . that the minimum salary to be paid the parish superintendent be increased to a sum that will give substantial encouragement to the best trained men to take such positions and devote their time and energies to the upbuilding of the schools." 16 My 04, p.8

2231 District, township and municipal

- a Mass. Bates. " . . . I suggest some system by which the superintendents of districts which receive so large a proportion of state

School finance

2231-42

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aid shall be required to pass examinations entitling them to official certificates of their competence and experience." 7 Ja 04, p.11

2232

Buildings. Grounds

2233 Construction. Sites. General

- a La. Blanchard. "The greatest present need in the state is school houses . . . The state could expend to great advantage just now a million of dollars in school buildings . . . In most of the school districts this money could be used to stimulate self-help in building schoolhouses . . . In other sections where local help would be impossible (these would be very few), it could be used to pay outright for schoolhouses. . . "

16 My 04, p.6

2237

General school finance

For finances of state educational institutions, see 2332

2239

State and local

2240 Funds. Lands. Taxes

See also 773, Public lands

- a Fla. Jennings, 7 Ap 03, p.15, 16. Ga. Terrell, 24 Je 03, p.6-8, 15. O. Nash, 4 Ja 04, p.10.
- b Ky. Beckham. " . . . I . . . recommend that you make some substantial increase in the school fund in order that the length of the school term may be extended from five to six or seven months. . . "
- 5 Ja 04, p.16
- c La. Blanchard. " . . . The state Constitution directs that not less than $1\frac{1}{4}$ mills of this be set aside for school purposes. Gradually the apportionment has increased until now $1\frac{5}{8}$ mills of the 6 mill state tax is allotted to schools. This should be run up to 2 mills. . . "
- 16 My 04, p.9
- d Mass. Bates. " . . . The present annual income [of the school fund] is about \$225,000. In addition, the smaller towns receive from the state treasury about \$40,000 a year for high school education, and nearly \$100,000 towards the cost of supervision. . . "
- 7 Ja 04, p.11
- e Va. Montague. " . . . The children of the commonwealth should have a session of nine months, and the maximum tax rate allowed by the Constitution should be enacted." 13 Ja 04, p.6

2243 Apportionment

- a La. Heard. "I especially commend to your thoughtful consideration, the forceful remarks of the superintendent in reference to the apportionment of the state funds among the parishes, not in proportion to the number of educable children enumerated, but

upon those in actual attendance for the year previous to that in which an apportionment is made. As a means of stimulating attendance, the superintendent wisely suggests that the salaries of local superintendents be fixed in proportion to the number of children in attendance." 9 My 04, p.13

2247

Teachers

2252

Employment. Pay., Pensions

2254 Salaries

- a Md. Smith. "There is a practical unanimity of opinion that the amount paid the average teacher is too small . . . The state itself has fixed the standard of teaching very high, but not too high, and in fairness, the minimum salary to be paid to any teacher should be fixed by the state somewhere in proportion to the order of skill required . . . " 6 Ja 04, p.12

2255 Pensions

- a Md. Smith. "The General Assembly, chapter 196 of the acts of 1902, adopted a most praiseworthy policy of pensioning incapacitated public school teachers who have spent 25 years in teaching and who are over 60 years of age. The present appropriation of \$10,000 is entirely inadequate to provide relief for all the worthy applicants, and the annual appropriation should be increased to \$20,000 . . . " 6 Ja 04, p.13

2263

Institutes

2264 Training classes

- a La. Blanchard. " . . . I recommend that a liberal appropriation be made (as much as \$10,000 annually, if possible) as a special institute fund for the purpose of conducting teachers training schools in all sections of the state." 16 My 04, p.7

2266

Normal schools

- a Ky. Beckham, 5 Ja 04, p.17. La. Heard, 9 My 04, p.41-43. O. Nash, report of State Normal School Commission, 4 Ja 04, p.21. S. C. Heyward, 12 Ja 04, p.13-14, 16.

2267

Attendance

2272 Place of attendance. Conveyance of pupils. Consolidation of schools

- a Fla. Jennings. " . . . I would . . . suggest . . . the consolidation of the small schools and the free transportation of pupils living beyond a certain distance, to and from the school each day. . . " 7 Ap 03, p.64
- b S. C. Heyward. "Other states in the Union that are making marked progress in all educational lines are attempting, through consolidation, to establish satisfactorily a strong system of county

High schools. Higher education

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graded and high schools. This, in my judgment, is, for many reasons, eminently desirable, as in itself it will furnish means at home for the proper preparation for college. . . " 12 Ja 04, p.11

2274

School census

- a** Md. Smith, 6 Ja 04, p.14.

2282

Textbooks. Curriculum. General

- a** Miss. Vardaman. "The matter of school books calls for consideration at the hands of the Legislature. The purchase of books has become an oppressive burden upon the poor. . . " 19 Ja 04, p.19

2283

Free textbooks

- a** Fla. Jennings. "I would . . . urge upon counties the adoption of the free school book system." 7 Ap 03, p.64

2284

Uniformity

- a** Ky. Beckham. " . . . The General Assembly should, without fail, pass a bill fixing maximum prices for school books and establishing a state uniformity in the texts. . . " 5 Ja 04, p.15

2316

Special kinds of schools

See also 2184, Deaf and dumb; 2188, Blind; 2266, Normal schools; 2342, Professional and technical education.

2319

Evening schools

- a** S. C. Heyward. " . . . The question of night schools has not yet received with us the attention it deserves, and the opportunity and need for their development seems to especially exist in our large and growing mill communities." 12 Ja 04, p.12

2327

High schools and academies

2328

State aid

- a** La. Blanchard. " . . . I suggest . . . that, if possible, a special appropriation be made to be used by the State Board of Education to encourage the establishment of high schools in the country districts, and in towns of less than 3000 inhabitants." 16 My 04, p.7

2330

Higher education

- a** S. C. Heyward, 12 Ja 04, p.12-16.

2332

State institutions (general)

- a** Fla. Jennings, 7 Ap 03, p.15-19. Md. Smith, 6 Ja 04, p.17.

2333 **Finance. Lands. Support**

See also 773, Public lands; 2237, School finance

- a** O. Nash, 4 Ja 04, p.11.
- b** Ia. Cummins. " . . . We might as well face the unpleasant fact that, with respect to support, equipment and buildings [of the State

University and State College of Agriculture and Mechanic Arts] we are behind the times, and in these respects we compare unfavorably with the states that would be naturally chosen for comparison. . . Do not understand me to recommend that immediate appropriations be made covering all these wants, but I do earnestly urge upon you the necessity of making such provision as will insure these additions and improvements as speedily as possible.

I have reflected a great deal upon the methods of creating the support funds of our educational institutions, as distinguished from building and equipment funds. I am thoroughly convinced that it ought to be through special taxes, and not through general appropriations. . . It has many advantages that will at once occur to you, but the one which recommends it most strongly to me is that it will enable every taxpayer, upon looking at his tax receipt, to know exactly what he is contributing to the support of these institutions. . . "

12 Ja 04, p.19-20

- c La. Blanchard. "Another constitutional amendment which I would recommend has for its object the removal of the restriction put upon appropriations by the General Assembly for the maintenance and support of the Louisiana State University, the Louisiana Industrial Institute and the Southern University. . . "

16 My 04, p.13

- d O. Nash. " . . . If the General Assembly . . . decides that these universities ought to have more support than is given them by present levies, it should be given by means of direct appropriations from the general revenue fund. An appropriation of the state's money, for such special purposes, in dollars and cents is always a more candid method of dealing with public expenditures than a levy upon the tax duplicate. There is thus no obscurity or misapprehension as to the amount given, and neither the Legislature which gives it, the institutions which receive it, nor the people whose money is spent, are required by a mathematical calculation to discover the sums appropriated."

4 Ja 04, p.12

- a La. Heard, 9 My 04, p.40-41, 45-46. S. C. Heyward, 12 Ja 04, p.12-15.
- b O. Herrick. " . . . Permit me to suggest whether it would not be wise to further encourage in the Ohio State University the study of forestry, and of other subjects which have a special bearing upon the development of the agricultural, mineral and manufacturing resources of the state."

11 Ja 04, p.8

2342

Professional and technical education

2344

Agricultural schools

See also 1828, Agricultural experiment stations

- a Fla. Jennings, 7 Ap 03, p.15-17. Ky. Beckham, the Agricultural and Mechanical College, 5 Ja 04, p.16. Md. Smith, 6 Ja 04, p.15-17. S. C. Heyward, 12 Ja 04, p.14-16.
- b Ga. Terrell. "I wish to urge again upon your favorable consideration the question of agricultural schools, as presented in my message of Nov. 8, 1902. . . ." 22 Je 04, p.11
- c La. Heard. "On my initiative, the rudiments of scientific agriculture have been introduced into the public schools. The subject has not been on trial long enough to demonstrate practical results, but there is every reason to believe that it will prove both instructive and beneficial to the youth of the land. . . ." 9 My 04, p.13
- d N. Y. Odell. ". . . Other commonwealths have contributed largely in support of agricultural education, and it is important that we should also make adequate provision for this necessary instruction. . . ." 6 Ja 04, p.36

2347

Forestry

- a N. Y. Odell. "By chapter 122 of the laws of 1898 the state purchased townships 23 and 26 in the county of Franklin, and Cornell University thereupon took title and undertook practical demonstration and instruction in the school of forestry. Its operations had for their object the substitution for so called worthless timber valuable growths, but this has resulted in the practical destruction of all trees upon the lands where the experiment was in progress. . . The preservation of the forests is primarily for the protection of the water supply, and this is not possible through the denudation of the lands. Therefore this school failed of its object . . . The report of the committee of the Assembly at the last session of the Legislature, and the knowledge of the disapproval of many of our citizens, led me to veto the item for its support in the appropriation bill of 1903. . . Cornell University undertook this work at the request of the state, and as such was its agent. In so doing it has made contracts for which it is primarily responsible, but which responsibility as the agent of the commonwealth it should not be called upon to assume. Neither should the school it founded be discontinued, because with the lapse of years a proper understanding of scientific forestry will become more and more a necessity. . . ." 6 Ja 04, p.13-14

2348(5)

Military

- a S. C. Heyward, 12 Ja 04, p.15.

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2350 Technical and manual training

- a** Fla. Jennings, 7 Ap 03, p.15-16. La. Heard, state industrial institutes, 9 My 04, p.43-45. Mass. Bates, textile schools, 7 Ja 04, p.13-14. Mass. Bates, Massachusetts Nautical Training School, 7 Ja 04, p.15-16. S. C. Heyward, 12 Ja 04, p.16.
- b** Mass. Bates. " . . . The first duty of every educational board, state or municipal, should be to make certain that the youth under it are educated in the essentials that will make them self-supporting, effective men and women." 7 Ja 04, p.16
- c** S. C. Heyward. " . . . The weakest part of our present system is the lack of schools of manual training. . ." 12 Ja 04, p.12
- d** Va. Montague. "My former recommendations respecting industrial and manual training are renewed. . ." 13 Ja 04, p.6

2352 Libraries**2354 State libraries**

- a** La. Heard, 9 My 04, p.8. Md. Smith, 6 Ja 04, p.40.
- b** Fla. Jennings. "[The secretary of state] should be provided with an assistant librarian to take charge of and catalogue the 3000 (estimated) volumes of books in his custody, to which it is impossible for him to give proper attention. The assistant librarian should also be made director of archives, with duties prescribed by law." 7 Ap 03, p.23
- c** Va. Montague. "The State Library . . . now contains about 70,000 volumes, of which many hundred have lain with uncut pages. The library should at once be put in proper physical condition. . ." 13 Ja 04, p.6

2356 Free public libraries**2357 State aid and supervision. Traveling libraries**

- a** Mass. Bates, 7 Ja 04, p.12-13.
- b** Va. Montague. "Under the statute the books [of the State Library] can not be used save in the city of Richmond. . . Every city, county and town should have access to these invaluable books. The library should be a substantial and diffusive educational force, and to this end I urge the adoption of what is known as 'traveling libraries,' which could be perfected by an expenditure of about \$4000. . ." 13 Ja 04, p.6

2360 School libraries

- a** S. C. Heyward. " . . . I concur in the recommendation of the state superintendent of education that a part . . . of the state

History. Records

2360-79

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school fund shall be used to encourage the establishment of libraries in our county schools." 12 Ja 04, p.11

2362

History. Records. Memorials

- a Ia. Cummins. Completion of historical building recommended.

12 Ja 04, p.23

2365

Archives. Records. Colonial laws

- a Ga. Terrell. "... I found in the archives of the Executive Department 24 old volumes of executive minutes, covering a period of 50 years, from 1793 to 1843. . . I have had them all neatly and substantially rebound by the state printer, and am now having them properly indexed." 22 Je 04, p.20

- b R. I. Garvin. State record commissioner recommends that cities and towns be required to provide fireproof receptacles for public records. 5 Ja 04, p.15

2368

Old Home week

- a R. I. Garvin. "All of the New England States, except Rhode Island, have set aside by law a week during which in each year the sons and daughters of the state are specially invited to revisit their places of birth. I recommend a similar enactment here . . . "

5 Ja 04, p.10

2370

Memorials. Monuments

- a Ga. Terrell, confederate memorial board, 22 Je 04, p.17.

- b Ga. Terrell. State care of confederate graves recommended.

24 Je 03, p.8

2377

Memorials to individuals

- a S. C. Heyward, 12 Ja 04, p. 28-29.

- b O. Nash. Monument to Governor St Clair recommended.

4 Ja 04, p.18

2379

War records

- a Ga. Terrell, 24 Je 03, p.15. S. C. Heyward, 12 Ja 04, p.26-28.

- b Fla. Jennings. Roster of confederate soldiers of Florida recommended. 7 Ap 03, p.48

- c Ia. Cummins. Roster of Iowa soldiers in the Civil and Spanish wars recommended. 12 Ja 04, p.22

- d Va. Montague. "It is very desirable that the state should have a complete roster of all her soldiers and officers who participated in the war between the states. The federal government has made an appropriation to this end and invites our cooperation . . . "

13 Ja 04, p.8

2380

Scientific work. Art

2383

Biology

- a La. Heard, Gulf Biologic Station, 9 My 04, p.19.

2384

Geology. Topography

- a La. Heard, 9 My 04, p.18-19. Md. Smith, 6 Ja 04, p.20-21. S. C. Heyward, 12 Ja 04, p.22.
- b Fla. Jennings. Geological survey recommended. 7 Ap 03, p.51
- c Md. Smith. "The Maryland Geological Survey has among its records the necessary data (which the state paid to collect) for the preparation of physical and geological wall maps of the state. . . Provision should be made to have the survey prepare such maps, accompanied by explanatory pamphlets, rendering this useful information readily available to the teachers and pupils of the public schools." 6 Ja 04, p.13-14

2388

Military regulations

See also 2262, History, records, memorials

2390

Militia. National Guard

2391

General and miscellaneous

- a Ga. Terrell, 24 Je 03, p.12. Ky. Beckham, 5 Ja 04, p.20-21. La. Heard, 9 My 04, p.34-37. Mass. Bates, 7 Ja 04, p.28-29. O. Her- rick, 11 Ja 04, p.6. S. C. Heyward, 12 Ja 04, p.22-23.
- b Fla. Jennings. " . . . I consider the present salary of the adju- tant general inadequate, and that it is physically impossible for him to perform the duties of his office without clerical assistance. . . I further recommend that an appropriation be made to provide for the armories necessary and for an encampment. I also recommend that a new military code be adopted, so framed as to carry into effect in this state the provisions of the militia bill adopted by the Congress of the United States." 7 Ap 03, p.52-56
- c Ia. Cummins. " . . . As soon as practicable the state should erect an arsenal, with quarters for the adjutant general. . . I also recommend the establishment of a permanent camp and drill ground. . . " 12 Ja 04, p.23-24
- d O. Nash. "The National Guard of Ohio is in good condition, and during the last year has made marked improvement in disci- pline and in everything that makes for its efficiency. Under recent enactments of the general government, her policy in regard to the National Guard has undergone a complete change. . . During the next year I suggest that our guard be placed in the camps of the United States, which are maintained for 14 days, for discipline and

Pensions and relief

2392-409

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instruction. . . I suggest that the state make an appropriation so that they can be paid, when our money is added to government pay, the same compensation as the state pays [\$1 a day]. Our guard, in order to become efficient, should have drill in the armories, in addition to what they receive in the camps, of at least one night a week, or 48 nights in the year. . . I suggest that each member receive a small compensation of, say, 25 cents per night, or \$12 a year, for these weekly drills . . . "

4 Ja 04, p.15-17

2392

Armories

a Md. Smith, 6 Ja 04, p. 27-28, 33-34.

b Fla. Jennings. "The Supreme Court having declared the statute, chapter 4648, laws of Florida (which provides that the board of county commissioners in each county in which there is a company or battery of state troops shall provide each company or battery with an armory, etc.) unconstitutional, declaring that the military arm of the government is 'essentially and necessarily a state institution'; therefore, it follows that the state should provide suitable armories for meetings and drills of the state troops and the safe storage of arms and equipments." 7 Ap 03, p.52

2394

Encampment

a Mass. Bates. "The camp at Framingham is well adapted to parade purposes, but not to the practical work that is more and more engaging the attention of students of military science. It will soon be necessary to provide a larger area, where more extensive evolutions may be practised." 7 Ja 04, p.29

2406

Pensions and relief

a U. S. Roosevelt, 7 D 03, p.23.

2408 State pensions and aid

a Mass. Bates. "The provisions of law for the payment of state and military aid will expire with the year 1904. . . The provisions of the present law should be extended, with such amendments, if any, as may seem to you necessary to meet present conditions." 7 Ja 04, p.27

2409 State pensions and aid to confederate veterans

a La. Heard, 9 My 04, p.60-61. S. C. Heyward, 12 Ja 04, p.28.

b Fla. Jennings. " . . . The pension law needs some amendment in behalf of the widows of confederate soldiers . . . I further recommend that the law be amended to permit soldiers of the Indian and Mexican wars to draw pensions from the state. . . The following table shows year pension system established in 11 of the Southern States named; amount of pension paid; number of pen-

sioners; present annual appropriations, and total appropriation to include 1902.

STATE	YEAR PENSIONS BEGAN	PRESENT ANNUAL APPROPRIA- TION	NO. OF PENSIONERS ON ROLL	AMOUNT OF PENSIONS PAID
Alabama	1879	\$273 099	13 367	\$18 60 to \$37 20
Arkansas	1891	156 000	5 575	25 to 100
Florida	1885	160 000	1 647	25 to 100
Georgia	1879	858 895	13 975	5 to 150
Louisiana	1898	62 500	2 109	30 to 54
Mississippi	1888	200 000	4 394	32 50 to 100
North Carolina.....	1885	200 000	11 600	30 to 120
South Carolina.....	1888	200 000	6 503	19 65 to 96
Tennessee	1883	150 000	1 467	100 to 300
Texas	1899	200 000	6 625	96 to
Virginia	1888	250 000	4 629	15 to 100
Total		\$2 610 494	72 485'

7 Ap 03, p.12-14

c **La. Blanchard.** "... The state should extend a more liberal hand towards the care and succor of the remaining old soldiers of the lost cause within her borders, whose advancing age and infirmities render assistance desirable. . . "

16 My 04, p.16

d **Miss. Vardaman.** "A liberal system of pensions for indigent and helpless confederate soldiers, is a matter which should command the most ardent support of every patriotic Mississippian. . . "

19 Ja 04, p.20

2415

Soldiers homes

2416 **General. Establishment. Organization**

a **La. Heard,** 9 My 04, p.60.

2420

Organizations

2423

G. A. R.

a **Mass. Bates,** national encampment of the Grand Army of the Republic, 7 Ja 04, p.27.

Municipalities

2430-74

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2430

Local government

2432

Municipalities

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely the limits of population designated thereby are in these references substituted for the number of the class.

2433

State control of cities. Home rule

- a N. Y. Odell. "The object of certain articles in the amended Constitution was to give to every locality in the state a measure of home rule which had been denied theretofore. . . It might be proper for the Legislature to . . . attempt to formulate some plan whereby the matters complained of can be cured, and a more general fulfilment of the constitutional enactment arrived at. These questions of difference might be submitted to the people, and under our theory of government their conclusions and determinations would probably be satisfactory to all citizens of the state. . . "

6 Ja 04, p.33-35

2437

Organization. Powers generally

2438

General

- a O. Nash. "The new act for the organization and government of the municipal corporations of the state . . . has now been in force for all purposes about eight months . . . No doubt experience will show that in some particulars this law should be amended. But in the consideration of these questions the General Assembly should be careful not to make any changes which will depart from the safe path of uniform municipal government, or invite a return to the dangers of the past."

4 Ia 04. p.17

2472

Municipal civil service

2474

Appointments. Election

- a La. Heard. "Attention is also directed to the enormous and useless amount of work that might be saved to the Department of State, as well as to the Executive Department, by the adoption of legislation that would authorize the town and village officers throughout the state to be inducted into their respective positions immediately following the promulgation of their respective election returns. This would result in dispensing with the issuance of commissions to these officers."

9 My 04, p.7

2490

County and township government*See also specific functions of counties and towns—Roads, Charities, Drainage etc.*

2498

New counties. Consolidation

- a Ga. Terrell. "The inflexible rule of the Constitution which forbids the creation of any new county, has brought about in some sections unexpected and unintentional hardships. Counties that in 1877 were geographically large, but sparsely settled, have greatly increased in wealth and population, but the line of growth has left the body of the inhabitants remote from the county site, to the manifest inconvenience and detriment of those who under conditions as they existed in 1877, undoubtedly would have been granted relief by the creation of a new county. . . "

22 Je 04, p.7

2511

County civil service

2517

Salaries. Fees

- a N. J. Murphy. "I again recommend that a law be passed abolishing the fee system in the payment of the various county officials throughout the state, and fixing their compensation in a suitable salary. . . "

12 Ja 04, p.8

2550

Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets etc. are classified under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under taxation, as such provisions usually apply to all classes of taxes. *See* particularly 2237, School finance.

2575

Budget. Accounts

2583

State supervision. Uniform accounts

- a Md. Smith. "The [state] auditor reports a decided improvement in the offices of the clerks of courts, registers of wills, state's attorneys and sheriffs so far as the keeping of accounts is concerned . . . A crying evil is caused by the removal of account books by incumbents of some offices at the expiration of their terms. . . It can not be hoped that this reform can be effected until such books are properly prepared after a uniform system under the supervision of the auditor and are furnished by the state. . . "
- b Mass. Bates. "I renew my recommendations of last year for legislation to provide for the consolidation of the department of the comptroller of county accounts with that of the auditor, for the adoption of a uniform system of municipal accounting throughout the commonwealth . . . "

6 Ja 04, p.10

7 Ja 04, p.21

2597

Debts. Bonds

2598

Limitation of indebtedness

- a **Mass. Bates.** "For more than a quarter of a century there have been upon our statute book provisions limiting the debts of cities and towns, except for specified purposes, to a certain percentage of the assessors' valuations of their taxable property. . . I find that during the last 10 years there have been passed scores of special bills, permitting the borrowing of money outside of the debt limit. . . I trust that in your action you may deem it wise to maintain the general law, and permit no exceptions thereto except in the case of some extraordinary emergency . . ." 7 Ja 04, p.38-39

2600

Deposits and depositories

- a **O. Herrick.** " . . . If, in the necessarily hasty preparation and passage by the last Legislature of the municipal code, there be any defect in the depository law for municipalities, that should be corrected." 11 Ja 04, p.4

2620

Public works. Public improvements

2628

Franchises (general)

- a **R. I. Garvin.** Referendum in the granting or renewal of street franchises recommended. 5 Ja 04, p.13

2633

Light. Power. Heat*See also 707, Public works (state)*

2637

Light, heat and power companies*See also 2035, Petroleum and gas*2638 **General and miscellaneous**

- a **Fla. Jennings.** "I recommend . . . that a law be enacted requiring the inspection of gas by the state chemist, and that a fee be charged therefor per foot." 7 Ap 03, p.52

2648

Water*See also 707, Public works (state); 1079, Pollution of water*

2650

Municipal works

- a **Mass. Bates,** metropolitan water system, 7 Ja 04, p.8-10.

2660

Sewerage*See also 707, Sewerage plants (state); 1079, Pollution of water; 1191, Drainage*

2661

Sewerage systems. Construction generally

- a **Mass. Bates,** metropolitan sewerage system, 7 Ja 04, p.8-10.

2677

Parks. Public grounds. Boulevards

2679

Establishment. Support

- a **Mass. Bates,** metropolitan parks, 7 Ja 04, p.6-7.

2700

Roads. Streets

2701

General

- a **La. Heard**, 9 My 04, p.68-70. **S. C. Heyward**, 12 Ja 04, p.23-24. **U. S. Roosevelt**, 7 D 03, p.17.
- b **Fla. Jennings**. " . . . It is my opinion that the boards of county commissioners of the various counties should be empowered to raise by taxation, the necessary funds to establish and maintain a policy of permanent road construction upon plans and specifications adopted by the Legislature, after consulting with skilled and experienced engineers in such work. Under our form of government, I believe the power to raise money for local purposes should be vested in those empowered and burdened with the responsibility of expending it. I fail to see any good reason for the state to become a party to handling the money. . . I recommend that a law be enacted establishing a uniform system of road improvement outside of the incorporated cities and towns . . . " 7 Ap 03, p.58-59
- c **La. Heard**. "Articles 291 and 292 of the Constitution confer complete powers upon the police juries of the several parishes to raise funds for the purpose of constructing and maintaining the public roads and bridges. They are also given authority to use the labor of certain parish prisoners, in such work, as is referred to in article 292. This latter provision, however, I do not consider altogether practical for the reason that the cost of administration would be too great. My predecessor has ably discussed this subject in his message to the General Assembly, and . . . it entirely meets my own views . . . " 9 My 04, p.69
- d **La. Blanchard**. "'Good roads' legislation is . . . needed." 16 My 04, p.17
- e **Md. Smith**. "The time has arrived when much greater attention should be paid by the General Assembly to the question of highway improvement. . . The geological survey has rendered, and continues to render, great assistance in preparing plans and specifications for important pieces of road work, and the value of the survey has received wide recognition. Numerous tests of the various road and paving materials used upon county roads and city streets have been made." 6 Ja 04, p.20
- f **Miss. Vardaman**. Improvement of public roads by taxation and working them with convict labor, under the direction of state and county officers recommended. 19 Ja 04, p.12
- g **S. C. Heyward**. "While I am convinced that proper and systematic work of county chain gangs can be of decided benefit, still, very much more than this is necessary in order to obtain a modern

road. . . I recommend . . . legislation . . . which will give to the counties the right, by a majority vote, either to issue bonds or to levy an annual tax for road improvement. . . " 12 Ja 04, p.24

2702

State road systems and state aid

- a La. Heard, New Basin shell road, 9 My 04, p.63. Mass. Bates, 7 Ja 04, p.4
- b Ia. Cummins. "There is nothing which Iowa needs, which she has not, more than good roads. . . The roads to be improved should be first surveyed to ascertain the grade, easiest method of drainage, the character of the soil, and all other conditions which are essential to be known. The plan of improvement should then be made. So much of the work should be done by the state, and if committed to the engineering departments of the university and the Agricultural College, it could be done without great expense. When the plan for any county is complete, it should be presented to the board of supervisors, and if found satisfactory, adopted. . . " 12 Ja 04, p.16-17
- c N. J. Murphy. "Under the road law the state has appropriated for several years \$250,000 to be used in the construction of macadam roads throughout the state. As a result over 1000 miles of these roads have been built by state aid, and New Jersey has become known as having the best roads in the country. Last winter the Legislature passed a law increasing the limit for this purpose to \$400,000, and there is an earnest desire on the part of some sections to have this sum appropriated. I think any increase in the appropriation for this purpose unwise. Many of the counties have not yet availed themselves of the provision of the law. . . I recommend that the law be amended so that if any county does not care to take its share, such share should revert back to the treasury, and not be divided among the other counties, as has been the custom in the past." 12 Ja 04, p.14-15
- d N. Y. Odell. "484 miles of road have been improved by state aid since the enactment of chapter 115 of the laws of 1898. . . In order to secure a system of good roads throughout the state, the total ultimate mileage would be about 7500 miles. . . Some changes are necessary in the good roads laws in order to protect and repair these roadways. . . While it is not contemplated that the repairs to these roads shall be the state's duty, except in so far as provided under the so called plank law, yet there should be supervision by the state in order to insure the maintenance of these improved roads. . . " 6 Ja 04, p.26-27
- e Va. Montague. " . . . A systematic construction and mainte-

nance of public roads should be begun in this state as early as practicable. Our increased revenue can afford appropriations for the inauguration of such a system, which will bring untold material and social benefits to the state. . . . " 13 Ja 04, p.8

2705

General improvement. Contracts

2711

Location. Opening. Altering. Vacating

a

Mass. Bates. "The metropolitan district is becoming a compact city, largely as the result of outward growth from many centers originally distinct. . . . Traffic between these centers, so long as the intervening regions offered no serious obstacles, found adequate highways; but as the streams of traffic have increased they have outgrown these old roads, and it has become difficult to provide for them. I suggest that an unpaid commission might profitably study the whole matter, examine the process of transportation within the metropolitan district, and report upon the feasibility of establishing some joint agency having authority to plan and control the future development of main thoroughfares and passenger railways, with a view to securing the maximum of efficiency, economy and convenience."

7 Ja 04, p.24-26

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Robert H. Whitten, *Sociology Librarian*

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State Library Albany N. Y. Nov. 26, 1904

Hon. A. S. Draper

Commissioner of Education

DEAR SIR: The annual Summary and Index of Legislation, the 15th of its series, is transmitted herewith and recommended for publication.

As a contribution to better organization of material for comparative study of state government and laws the State Library now issues three annual bulletins: Digest of Governors Messages, Summary and Index of Legislation, and Review of Legislation.

The Digest of Governors Messages is a topical digest covering all the states and including related topics in the president's message. The Summary and Index of Legislation is a minutely classified summary or index of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional. The Review of Legislation contains contributions from specialists in all parts of the country reviewing governors' recommendations and laws enacted on each important subject.

These three closely related annuals are bound together to form the Yearbook of Legislation.

MELVIL DEWEY

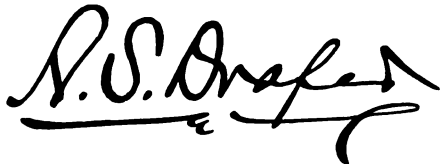
Director

State of New York

Education Department

COMMISSIONER'S ROOM

Approved for publication Nov. 26, 1904

A handwritten signature in dark ink, reading "A. S. Draper". The signature is written in a cursive style with a large, sweeping initial "A" and a long, horizontal flourish extending to the right.

Commissioner of Education

New York State Education Department

New York State Library

MELVIL DEWEY Director

Bulletin 91 Legislation 24

Comparative Summary and Index

OF

LEGISLATION 1904

Oct. 1, 1903—Sep. 30, 1904

EDITED BY

Robert H. Whitten *Sociology Librarian*

PREFATORY

EXPLANATIONS

These must be carefully read to understand the bulletin.

Scope. All general permanent laws are included. Private, local and temporary acts, unless of great general interest, are omitted. Many acts, general in form but special in their application, are also omitted. Private acts applying to particular persons or granting relief to specific public officers and local acts applying to a single political division or to but a small proportion of the political divisions belonging to the same class are omitted. All general appropriation bills are omitted. Special appropriation acts providing for the establishment of a new institution or making some extraordinary appropriation marking the beginning of a new state policy are included. Laws providing for the general management and control of a particular state institution are included but those relating to some detail in the administration of a particular state institution are omitted. All laws legalizing acts already performed are omitted.

Method. Usually but one entry is made for a law. To ascertain what legislation has been passed concerning a subject it is necessary for the reader to refer also to the more inclusive heads and to observe carefully the cross references. The change made by the new law is shown, if it is practicable to show it concisely. Italics are used to indicate new matter; matter superseded by the new law is included in brackets.

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

Citations. A citation to an act indexed or summarized is set off at the end of the entry. It contains chapter number or page of act or resolution and day and month of approval or passage. In all states except Georgia, Alabama, Illinois, Missouri, Ohio and Oregon the session laws are numbered consecutively. Where this is the case the abbreviation for chapter (ch.) is omitted; e. g. 94, 5 J1 03. In the six states in which acts are not numbered consecutively number of page is given preceded by the abbreviation p.; e. g. p.471, 9 My 03.

In North Carolina and Rhode Island where the governor's approval is not necessary, in a number of states where joint and concurrent resolutions do not require the approval of the governor and in the case of bills that become laws by the expiration of time without the signature of the governor, the date of passage by Legislature is given. In a few cases the date of passage and approval are both omitted in the session laws, and in these cases the year only is given.

Citations to statutes amended or repealed by the act indexed always begin with the most general part and end with the most specific; e. g. '95 ch.859 §2; '98 p.78; R.S. '96 t.3 art. 10 §3 ¶ 4. For abbreviations used in citing compilations of statutes see next page.

Classification. The classification of the summary is the same as that used in the Digest of Governors Messages and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there is no legislation this subject number is skipped. The entries under each head are alphabetized by states and each entry is designated by a letter or a letter and numeral; e. g. b, d2.

Subject index. This is an alphabetic list of the subjects included. References are to the marginal class and entry numbers.

ABBREVIATIONS

Months

Ja	January	Ap	April	Jl	July	O	October
F	February	My	May	Ag	August	N	November
Mr	March	Je	June	S	September	D	December

ABBREVIATIONS

States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

Compilations of statutes

Ann. L.	Annotated laws	Crim. S.	Criminal statutes
Ann. S.	Annotated statutes	G. L.	General laws
C.	Code	G. S.	General statutes
C. C.	Civil code	P. C.	Political code
C. C. P.	Code of civil procedure	P. S.	Public statutes
C. L.	Compiled laws	Pen. C.	Penal code
C. P.	Code of procedure	R. C.	Revised code
C. S.	Compiled statutes	R. J.	Revised laws
Crim. C.	Criminal code	R. S.	Revised statutes
Crim. P.	Code of crim. procedure	S.	Statutes

Acts Resolves

art.	article	pt	part
c. r.	concurrent resolution	r.	resolve
ch.	chapter	subdiv.	subdivision
j. r.	joint resolution	t.	title

Law reports

A.	Atlantic Reporter	S. E.	Southeastern Reporter
N. E.	Northeastern Reporter	S. W.	Southwestern Reporter
N. W.	Northwestern Reporter	So.	Southern Reporter
P.	Pacific Reporter		

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STATISTICS OF LEGISLATION OCT. 1, 1903, TO OCT. 1, 1904

The sessions are biennial in all states and territories except Ga., Mass., N. J., N. Y., R. I. and S. C. where they are annual and Ala. where they are quadrennial. For list of constitutional amendments *see* 34-36; for list of court decisions declaring statutes unconstitutional *see* 12.

STATES AND TERRITORIES	DATES	Length in days	No. of laws	No. of resolutions	No. of laws and resolutions	No. of laws and resolutions summarized
Alabama	13 Ja 03-28 F 03	47 }	786	17	803	179
(adjourned)...	1 S 03- 3 O 03	33 }				
Georgia	22 Je 04-12 Ag 04	42	239	52	291	42
Iowa	11 Ja 04-12 Ap 04	92	224	22	246	160
Kentucky	5 Ja 04-16 Mr 04	81	131	16	147	95
Louisiana (extra) ..	10 D 03-21 D 03	12	6	5	11	3
	9 My 04- 7 Jl 04	60	175	25	200	114
Maryland	6 Ja 04- 4 Ap 04	89	658	7	665	101
Massachusetts	6 Ja 04- 9 Je 04	155	461	115	576	174
Mississippi	5 Ja 04-22 Mr 04	77	269	6	275	80
Montana (extra) ..	1 D 03-11 D 03	11	7	.....	7	5
New Jersey (extra)	15 O 03-19 O 03	5	2	.....	2	1
	12 Ja 04-25 Mr 04	73	250	10	260	213
(extra)	12 Ap 04-12 Ap 04	1	4		4	2
New York	6 Ja 04-15 Ap 04	100	760	6	766	269
Ohio	4 Ja 04-25 Ap 04	112	321	59	380	289
Oregon (extra) ..	21 D 03-23 D 03	3	22	6	28	17
Rhode Island	5 Ja 04-13 Ap 04	99	103	86	189	26
(extra)	13 S 04-13 S 04	1	.....	.....	.....	.....
South Carolina	12 Ja 04-20 F 04	40	186	258	211	76
Virginia (adj'ned)	10 N 03-12 Ja 04	64	289	.....	289	194
	13 Ja 04-15 Mr 04	62	262	.....	262	135
W. Virginia (extra)	26 Jl 04-12 Ag 04	18	24	10	34	21
					5 522	2 190

^aIn addition two laws were proposed by initiative petition and adopted by the people June 6, 1904.

^bMet July 15, 1902, and adjourned July 28 till Nov. 12, 1902, again adjourned May 19, 1903, till Nov. 10, 1903, and finally adjourned Jan. 12, 1904.

PRINCIPAL HEADINGS

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no.

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11 Revision and compilation

12 Statutes declared unconstitutional. J. GARFIELD MOSES

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32 Revision

33 Amendment

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36 Amendments rejected

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95 Internal organization

105 Legislative procedure

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128 Suffrage: qualifications

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170 Districts. Notices. Days

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203 Apprehension, prosecution, indictment

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- 234 Crimes and offenses
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 - 264 Crimes against public morals and the family
 - 292 Crimes against persons
 - 308 Crimes against property
- 335 Corrections. HELEN PAGE BATES
- 340 Penal institutions
- 352 Convicts (commitment, management)
- 363 System of sentencing and reform. Parole. Pardon

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 - 400 Personal property
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 - 451 Homesteads. Exemption from execution
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 - 525 Foreign corporations
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- 772 Domain. Property
 - 773 Public lands
 - 779 Buildings. Property and supplies
- 793 Public works
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- 877 Miscellaneous police regulations
- 879 Amusements
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- 927 Mob violence
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- 952 Sale of drugs
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public health
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- 1090 Public safety
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- 1099 Buildings. Sanitation and safety
- 1112 Floods. Life saving
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- 1143 Communicable diseases of animals
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- 1191 Drains. Dikes. Levees
- 1200 Transportation and communication
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- 1240 Miscellaneous. Common carriers
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- 1280 Public ownership and aid

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- 1313 Public safety, comfort and order
- 1336 Street railways. Rapid transit
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- 1393 Bridges. Tunnels
- 1410 Telegraph and telephone
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- 1464 Adulterations and imitations. Branding. Inspection
- 1508 Warehouses. Markets
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- 1630 Encouragement of industries
- 1677 Banking
- 1678 General
- 1697 Trust and safe deposit companies
- 1707 Savings banks
- 1715 Mortgage, loan and investment companies
- 1717 Building and loan associations
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- 1731 General (all classes)
- 1753 Life and accident insurance
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- 1822 Agriculture
- 1824 Supervision and encouragement (general)
- 1834 Associations. Fairs
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- 1856 Noxious animals. Bounties
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- 1900 Game and fish
- 1901 General
- 1909 Game
- 1913 Big game
- 1927 Small game
- 1943 Birds
- 1959 Fish
- 1999 Shellfish. Miscellaneous
- 2020 Mines and mining
- 2040 Labor. HELEN PAGE BATES
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2287	Branches. Courses
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2380	Scientific work. Art
2388	Military regulations
2390	Militia. National Guard
2406	Pensions and relief
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2432	Municipalities
2490	County and township government
2550	Local finance
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2575	Budget. Accounts
2597	Debts. Bonds
2600	Deposits and depositories
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2633	Light. Power. Heat
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2677	Parks. Public grounds. Boulevards
2698	Public baths and gymnasiums
2700	Roads. Streets

1

LAW (GENERAL)

2

Statutes

See also 88, Special laws

3

Preparation of statutes

- a **Ia.** Acts passed to amend, *modify* or repeal law to refer to law in title *and body of act*. Amending C. §41a. 1, 7 Mr 04

4

Time of taking effect

- a **O.** Repealing R. S. §77, which requires laws to take effect May 1 next after passage, unless date specifically stated. p.11, 5 F 04
- b **Va.** Statutes to take effect *90 days after adjournment of Legislature* [formerly on July 1 succeeding passage], except general appropriation act, which takes effect from passage. Amending C. §4. 340 (ex. sess.), 3 D 03

5

Publication of session laws

- a **Va.** Amending C. §4 relating to publication of statutes: date when act becomes a law, with or without governor's approval, to be given, also date of adjournment of session. 4, 3 F 04

6 **Publication in newspaper**

- a **Md.** Amending C. art.76 §1 relative to publication of general laws in newspaper. 464, 12 Ap 04

7 **Distribution**

- a **N. Y.** County clerk to distribute session laws to local officers and boards. Amending legislative law '92 ch.682 §46 subdiv.2, 3. 172, 28 Mr 04

11

Revision and compilation

- a **Ala.** Legislature to elect commissioner to codify statutes; completion of code before Legislature of 1907; \$10,000. p.298, 30 S 03
- b **Cal.** Submitting amendment to Const. 1879 art.4 by adding §241: Legislature may revise and reenact, as a whole, any existing codes every 12 years. *Rejected November 1904.* p.742, 14 Mr 03
- c **Ky.** Adopting Carroll's edition of Kentucky Statutes of 1903 as official edition. 4, 29 F 04
- d **Md.** Adopting Poe's Code of Public General Laws, including laws of 1904, as official edition. 72, 15 Mr 04
- e **Md.** Creating office of state reporter *and codifier*: as codifier to compile code of public general laws in 1910 and every 10 years thereafter and code of public local laws as needed; submission of codes to commission appointed by court; sale and distribution. Amending C. art.80. 327, 8 Ap 04

LAW (GENERAL)

- f** **Miss.** Creating commission to codify laws: powers and appointment; ratification of code by special session of Legislature of 1906.
100, 19 Mr 04
- g** **N. J.** Governor to appoint 3 commissioners to compile general statutes: work to be known as Revised Statutes of New Jersey; distribution.
227, 30 Mr 04
- h** **N. Y.** Designating board of statutory consolidation; to appoint persons to consolidate laws; board to direct work and recommend changes specially as to simplifying procedure; annual report to Legislature and final report in 1907; \$32,500.
664, 9 My 04
- i** **Va.** Authorizing J. G. Pollard to publish general statutes annotated with decisions of Court of Appeals; proviso.
471 (ex. sess.), 18 D 03
- j** **Va.** Authorizing S. N. Hurst to publish revised edition of annotated pocket code.
530 (ex. sess.), 31 D 03

12

Statutes declared unconstitutional

COMPILED BY J. GARFIELD MOSES

By highest court of state or of United States. Entries under this head are also duplicated under the specific subject of the law declared unconstitutional.

- a** **Ark.** Misdemeanor to keep gambling devices or rent building for gambling; penalties; responsibility of city and town officials; penalty for granting immunity. 67, 27 Mr 01. *Unconstitutional*. Not passed by Legislature according to constitutional requirements. *Rogers v. State*, 82 S. W. 168 (1904).
- b** **Cal.** Regulating building and loan associations and creating State Board of Commissioners of Loan Associations to examine and inspect. 188, 23 Mr 93. *Unconstitutional* as to §19 fixing withdrawal value of shares. Subject not within title. *Provident Mut. Building Loan Ass'n v. Davis*, 76 P. 1034 (1904).
- c** **Cal.** Court may strike out answer of party on refusal to attend and give deposition. C. P. §1991. *Unconstitutional*. Restricts right to defend action. *Summerville v. Kelliher*, 77 P. 889 (1904).
- d** **Cal.** Misdemeanor for employment agent to retain fee if applicant fails to obtain employment; fee limited to 10% of 1st month's salary; registration. 11, 12 F 03. *Unconstitutional* as to limitation on fee. Restricts freedom of contract; not within police power. *Ex parte Dickey*, 77 P. 924 (1904).
- e** **Id.** Relating to state deposits and depositories: State Board of Deposits created. p.375, 4 Mr 03. *Unconstitutional*. Subject not fairly indicated in title. *State v. Coffin*, 74 P. 962 (1903).
- f** **Id.** Regulating appropriation and diversion of waters. p.223, 11 Mr 03. *Unconstitutional* as to §34, 35, 36 relating to actions to settle water rights. Deprives of property without due process of law. *Bear Lake County v. Budge*, 75 P. 614 (1904).

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- g** **Id.** Regulating licenses for peddlers, hawkers and solicitors. p.155, 16 Mr 01. *Unconstitutional* in so far as §8 excepts runners for wholesale houses taking orders from merchants only. Class legislation. In re Abel, 77 P. 621 (1904).
- h** **Ill.** General ferry regulations. R. S. '01 ch.55. *Unconstitutional* in so far as §1, penalizing unlicensed ferries, is applied to transportation of railroad cars between states. Interferes with interstate commerce. St Clair County v. Interstate S. & C. Co., 192 U. S. 454 (1904).
- i** **Ill.** General agricultural and sanitary drainage act. p.78, 27 Je 85. *Unconstitutional* as to §37 relative to payment for right of way and damages. Deprives of property without due process of law. Juvinal v. Jamesburg Drainage Dist., 68 N. E. 440 (1903).
- j** **Ill.** Extending right of condemnation to public mills and machinery other than gristmills, and providing regulations for conduct of such mills. p.563, 22 Mr 72. *Unconstitutional* in so far as authorizes taking of private property for such purposes. Private property not to be taken for other than public purposes. Gaylord v. Sanitary Dist. of Chicago, 68 N. E. 522 (1903).
- k** **Ill.** Forbidding employment of aliens on public works if paid wholly or in part from public funds. p.2, 1 Je 89. *Unconstitutional*. Impairs freedom of contract. City of Chicago v. Hulburt, 68 N. E. 786 (1903).
- m** **Ill.** Providing for registration of trade-marks; possession of receptacles bearing such marks prima facie evidence of unlawful possession. p.316, 11 My 01. *Unconstitutional*. Special and class legislation. Horwich v. Walker-Gordon Laboratory Co., 68 N. E. 938 (1903).
- n** **Ill.** Mining and manufacturing corporations not to keep general stores. p.212, 28 My 91. *Unconstitutional*. Interference with freedom of contract. Class legislation. Unequal protection of laws. Kelleyville Coal Co. v. Harrier, 69 N. E. 927 (1904).
- p** **Ind.** Amending '91 ch.15 establishing State Board of Health: local boards and regulations. 16, 7 F 99. *Unconstitutional*. Fails to set out in title full title of amended act. Hendershot v. State, 69 N. E. 679 (1904).
- q** **Ind.** Unlawful to prevent discharged employees from obtaining employment elsewhere. 166, 9 Mr 89. *Unconstitutional* as to §2 applying provisions of act to those voluntarily leaving employment. Subject-matter not within title. Wabash Ry. Co. v. Young, 69 N. E. 1003 (1904).
- r** **Ind.** Apportioning senators and representatives. 206, 9 Mr 03. *Unconstitutional*. Unequal and not according to population. Brooks v. State, 70 N. E. 980 (1904).

LAW (GENERAL)

- 1** Ind. Terms of judicial and county officers to begin Jan. 1 next succeeding election. 13, 11 F 03. *Unconstitutional*. Legislature can not postpone election of constitutional officers. *Gemmer v. State*, 71 N. E. 478 (1904).
- t** Ia. Providing for assessment for drainage purposes. C. §1940. *Unconstitutional* so far as applied to nonabutting owners without notice. Deprives of property without process of law. *Beebe v. Magoun*, 97 N. W. 986 (1904).
- u** Ia. Providing for assessment of telephone and telegraph companies; Executive Council to deduct amount locally assessed and to assess remainder at average rate. C. §1330, 1331. *Unconstitutional*. Violates Const. art.8 §2 requiring corporate property to be taxed the same as that of individuals. *Layman v. Iowa Telephone Co.*, 99 N. W. 205 (1904).
- v** Ia. General drainage law. C. §1939-51. *Unconstitutional* in so far as it provides for assessment of nonabutting owners without notice. Deprives of property without due process of law. *Beebe v. Magoun*, 97 N. W. 986. Invalidity of §1946 invalidates whole drainage law, §1939-51. *Smith v. Peterson*, 99 N. W. 552 (1904).
- vi** Kan. Providing for vacation of unimproved plots and exclusion from city. 267, 9 Mr 97. *Unconstitutional*. Attempts to confer legislative power on petitioners. *City of Hutchinson v. Limbach*, 74 P. 598 (1903).
- v2** Kan. Allowing successful plaintiff in action on mechanics lien reasonable attorney's fee. G.S.'01§5125 *Unconstitutional*. Denies equal protection of laws. *Atkinson v. Woodmansee*, 74 P. 640 (1903).
- v3** Kan. Relieving from all save actual damage newspaper publisher of libel in good faith, if retraction made. 249, 1 Mr 01. *Unconstitutional*. Violates Const., bill of rights §18 providing for remedy "by due course of law." *Hanson v. Krehbiel*, 75 P. 1041 (1904).
- v4** Kan. Providing penalty for attempting to prevent employees from joining labor unions. 120, 18 F 97. *Unconstitutional*. Denies equal protection of laws; impairs freedom of contract; restricts liberty of citizen. *Coffeyville Vitrified Brick and Tile Co. v. Perry*, 76 P. 848 (1904).
- v5** Kan. Providing for opening of private roads: procedure. G. S. '01 §6053-55. *Unconstitutional*. Takes private property for private use. *Clark v. Board of Commissioners*, 77 P. 284 (1904).
- v6** Kan. Providing for indeterminate sentences to State Penitentiary. 375, 13 Mr 03. *Unconstitutional* as to one convicted before passage of act. Ex post facto legislation. *State v. Tyree*, 77 P. 290 (1904).

- v8 La. Imposing license tax on dealers in pistols and pistol cartridges. 83, 9 Jl 00. *Unconstitutional*. Violates Const. §229 requiring license imposed to be graduated. *State v. Rittenburg*, 36 S. 330 (1904).
- w La. Grading penalties for misdemeanors and minor offenses. 107, 7 Jl 02. *Unconstitutional*. Includes felonious crime of larceny; embraces more than one subject; subject not included in title. *State v. Dalcourt*, 36 S. 479 (1904).
- w1 Md. Repealing C. '88 art.23 §143EI and amending §122, 128 as to powers of insurance commissioners. 338, 8 Ap 02. *Unconstitutional* as to §122b forbidding order or injunction save on complaint of commissioner. Subject not within title. *Kafla v. Wilkinson*, 57 A. 617 (1904).
- w2 Minn. Requiring plumbers in cities of 10,000 to be licensed by state board. 319, 23 Ap 97 as amended by 356, 13 Ap 01. *Unconstitutional*. Special legislation: exempts master plumbers and cities of 10,000 having sewerage system or waterworks. *State v. Justus*, 97 N. W. 124 (1903).
- w3 Minn. Cities under 10,000 having sold waterworks with right of purchase reserved may issue bonds to repurchase; proviso; regulations. 50, 11 Mr 03. *Unconstitutional*. Basis of classification arbitrary. Special legislation. *Thomas v. City of St Cloud*, 97 N. W. 125 (1903).
- w4 Minn. Providing bounty 1c a pound for sugar from beets and sorghum. 205, 16 Ap 95 as amended by 307, 20 Ap 99. *Unconstitutional*. Violates Const. art.9 §5, 10 as expenditure not for public purpose; lends state credit for private purposes. *Minnesota Sugar Co. v. Iverson*, 97 N. W. 454 (1903).
- w5 Mo. Requiring wages to be paid in lawful money, or orders bearing interest and payable in lawful money. p.206, 8 Ap 95. *Unconstitutional*. Deprives of property without due process of law; restricts freedom of contract. *State v. Missouri Tie & Timber Co.*, 80 S. W. 933 (1904).
- w6 Mo. Creating State Board of Mediation and Arbitration. p.195, 7 Mr 01; p.218, 28 Mr 03. *Unconstitutional* as to §5 authorizing board to apply to Circuit Court for punishment of witnesses for contempt. Circuit Court can not punish for contempt save to maintain its own authority; judicial powers can not be vested in board. *State v. Ryan*, 81 S. W. 435 (1904).
- w7 Mon. County commissioners to appoint in case of tie vote for county officers. P. C. §1171. *Unconstitutional* in so far as it relates to officers named in Const. art.16 §5 providing that such officers should hold for 2 years and till successors are elected or qualified. *State v. Acton*, 77 P. 299 (1904).

LAW (GENERAL)

- w8 Men.** Prescribing qualifications for county superintendent of schools. P. C. §1744. *Unconstitutional* in so far as it requires teacher's certificate of highest county grade. Legislature can not prescribe for constitutional offices additional qualifications to those imposed by Constitution. *State v. Acton*, 77 P. 299 (1904).
- w9 Neb.** Defining when tenant shall be deemed holding over his term. p.43, 25 F 75. *Unconstitutional*. Amendment not within subject of original section amended. *Preston v. Stover*, 97 N. W. 812 (1903).
- x Neb.** Providing mode of taxation of insurance companies. C. S. '01 §4319. *Unconstitutional* in so far as it exempts from taxation personal property of insurance companies; violates Const. art.9 §1 providing for levying of taxes by valuation, and uniformity of taxation. *State v. Insurance Co. of North America*, 99 N. W. 36 (1904).
- xi Neb.** Providing for summary forfeiture of property used for hunting by unlicensed hunter. C. S. '01 §3173b. *Unconstitutional* in so far as provides forfeiture without hearing; deprives of property without due process of law. *McConnell v. McKillip*, 99 N. W. 505 (1904):
- x2 Neb.** Net receipts of insurance companies to be taxed in lieu of taxes other than on realty and under '73 ch.33 §32. C. S. '01 §4319. *Unconstitutional* in so far as it exempts companies from taxation on personalty. Not within constitutional exemptions. *State v. Insurance Co. of North America*, 100 N. W. 405 (1904).
- x3 N. J.** Establishing general school system. 36, 26 Mr 02. *Unconstitutional*. Classification special: special legislation. *Ricio v. Mayor of Hoboken*, 55 A. 1109 (1903).
- x4 N. Y.** Misdemeanor to deface, defy or place on merchandise for sale flag or standard of United States or New York state. 272, 24 Ap 03. *Unconstitutional* as applied to existing articles. Deprives of property without due process of law. *People v. Van de Carr*, 70 N. E. 965 (1904).
- x5 N. C.** Fixing taxes to be paid by dealers in various commodities. 9, 15 Mr 01. *Unconstitutional* as to §52 imposing tax on sale of sewing machines in state. Interference with interstate commerce, as applied to sale of machines shipped into state C. O. D. *Norfolk & W. Ry. Co. v. Sims*, 191 U. S. 444 (1903).
- x6 N. C.** Providing for ipso facto forfeiture of swamp lands granted by state on arrearage of taxes. 243, 2 Mr 89. *Unconstitutional*. Deprives of property without due process of law. *Parish v. East Coast Cedar Co.*, 45 S. E. 768 (1903).
- x7 N. C.** Amending C. §3122 defining practice of medicine and surgery: applicants of other than regular school to be examined only on subjects taught in own college: proviso; osteopaths to be admit-

- ted as regular practitioners. 697, 9 Mr 03. *Unconstitutional*. Not within police power; deprives patient of choice; fosters monopolies. *State v. Biggs*, 46 S. E. 401 (1903).
- x8 N. C. Imposing license tax on itinerant vendor of stoves within state. 247 §36, 9 Mr 03. *Unconstitutional* as applied to sale by sample of goods manufactured without state, shipped into state and delivered in original packages. Restriction on interstate commerce. *Wrought Iron Range Co. v. Campen*, 47 S. E. 658 (1904).
- y N. D. Providing for special administrator in cases where death of owner of estate is not satisfactorily proved, but whose disappearance affords reasonable grounds for believing him dead. R. C. §6325 subdiv.2. *Unconstitutional* in so far as it affects property of living persons. Deprives of property without due process of law. *Clapp v. Hough*, 98 N. W. 710 (1904).
- y1 O. Regulating sale of merchandise in bulk: inventory; notice to creditors; penalties. p.96, 4 Ap 02. *Unconstitutional*. Restricts property rights; class legislation. *Miller v. Crawford*, 71 N. E. 631 (1904).
- y2 Pa. Borough may provide water supply by building and operating works or by contract with private corporations. 113, 3 My 01. *Unconstitutional* in so far as it impairs existing contracts. *Potter County Water Co. v. Borough of Austin*, 55 A. 991 (1903).
- y3 S. C. Providing for punishment of abortion. 354, 24 D 83. *Unconstitutional* as to §2 which provides punishment for persons advising commission of abortion. Subject not within title. *State v. Fields*, 46 S. E. 771 (1904).
- y4 S. D. Receipt of taxes for any year not to be issued till all prior taxes paid. 150, 30 Ja 90. *Unconstitutional* as to §3 making receipt conclusive evidence of payment. Deprives county of property without process of law. *Harris v. Stearns*, 97 N. W. 361 (1903).
- y5 Tenn. General revenue act. 1, 29 Mr 87. *Unconstitutional* as to §5 imposing car tax on sleeping car companies. Regulation of interstate commerce. *Allen v. Pullman Co.*, 191 U. S. 171 (1903).
- y6 Tenn. General law providing for assessment and collection of taxes. 257, 16 Ap 03. *Unconstitutional* as to provision rendering street car and railroad companies, leasing or selling advertising privileges, liable for tax imposed on such advertising. Deprives of property without due process of law. *Knoxville Traction Co. v. McMillan*, 77 S. W. 665 (1903).
- y7 Tenn. Providing for removal of county seats. 103, 24 Mr 73. *Unconstitutional* as to §6 providing for removal on vote equal to two thirds vote in next preceding gubernatorial election. Constitution requires concurrence of two thirds qualified voters of county. *Lindsay v. Allen*, 82 S. W. 171 (1904).

CONSTITUTIONAL LAW

- y8** U. Regulating sale of merchandise in bulk: inventory; 5 days' notice to creditors; penalties. 67, 14 Mr 01. *Unconstitutional*. Impairs freedom of contract; deprives of property without due process of law; class legislation. *Block v. Schwartz*, 76 P. 22 (1904).
- z** U. Amending tax law as to railroads and mines and as to duties of State Board of Equalization. 68, 9 Mr 99. *Unconstitutional* in so far as it empowers state board to assess railroads wholly within one county. Deprives of local self-government. *State v. Eldridge*, 76 P. 337 (1904).
- zi** Vt. Penalizing use of trading stamps. 123, 26 N 98. *Unconstitutional*. Violates United States Const. 14th amendment. Abridges privileges and immunities of citizenship. Deprives of property without due process of law. *State v. Dodge*, 56 A. 983 (1904).
- z2** Wash. Amending tax law. 141, 6 Mr 99. *Unconstitutional* as to §12, proviso relating to certain deduction to itinerant merchants paying tax in previous year. Grants special privileges and immunities; taxes must not be commuted. *Nathan v. Spokane County*, 76 P. 521 (1904).
- z3** W. Va. Requiring oleomargarin to be colored pink. 8, 16 F 91. *Unconstitutional*. Regulation of interstate commerce. *State v. Bruce*, 47 S. E. 146 (1904).
- z4** Wis. Exempting certain classes of peddlers from license tax. S. '98 §1570, as amended by 341, 8 My 01. *Unconstitutional*. Denies equal protection of law; unequal system of taxation. *State v. Whitcom*, 99 N. W. 468 (1904).

15 CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code.

16 Capital

- a** S. D. Submitting amendment to Const. 1889 art.20 §1, 2: permanent seat of government to be located at Mitchell. *Rejected November 1904*. 98, '03

17 Boundary. Jurisdiction

18 Cessions to United States

- a** Ala. Ceding to United States jurisdiction over lands purchased for sites of public buildings. p.43, 9 F 03
- b** Md. Ceding jurisdiction of state land required for public purposes to United States; exception. 357, 7 Ap 04
- c** S. C. Amending C. C. §7 relating to procedure by which the United States may acquire land for *public uses* [formerly lighthouse purposes]. 202, 16 F 04
- d** S. C. Ceding to the United States jurisdiction over certain lands. 273, 25 F 04

Statistics

19-32

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19

Statistics

See also 938, Vital statistics

20

Bureaus of statistics

See also 2041, Labor

- a Ia. Bureau of Labor Statistics to cooperate with United States Census Bureau in collecting statistics of manufacture.

p.209, 7 Mr 04

21

Census

See also 2274, School census

- a Ia. Amending C. t.2 ch.8 relative to state census: Executive Council to prescribe blank forms for assessors; returns to include statistics on population *and agriculture*; cooperation with United States Census Bureau. 8, 13 Ap 04
- b Mass. General law providing for taking decennial census. Repealing '94 ch.224. 423, 4 Je 04
- c Miss. Submitting amendment to Const. 1890 by repealing §105 which required Legislature to take decennial state census. *Adopted November 1904 but not inserted in Constitution by resolution of Legislature.* 171, 8 Mr 04
- d Va. Regulating enumeration of city population: procedure. 483 (ex. sess.), 22 D 03

22

State coat of arms, name, seal, flag, flower, song

24 Flag

- a Md. Adoption and description of state flag. 48, 9 Mr 04

25 Flower

- a O. Adopting scarlet carnation as state flower. p.631, 3 F 04

27 Seal and arms

- a Va. Amending C. §32 as to devices on seal of commonwealth. 353 (ex.sess.), 8 D 03

30

Constitutions

BY HELEN PAGE BATES PH.D.

32

Revision

- a Ct. Referring to Legislature of 1905 constitutional amendment in form of a revision of Constitution. 14p. p.208, 2 Je 03
- b Id. Submitting question whether constitutional convention shall be called to revise Constitution. *Not properly adopted by Legislature so not submitted to people.* p.456, 4 Mr 03
- c Mich. Submitting to voters question of calling convention to revise Constitution; regulations. *Adopted November 1904.* 32, 16 Ap 03
- d Neb. Submitting to electors question of constitutional convention to revise Constitution. *Adopted November 1904.* 165, 9 Ap 03

33

Amendment

- a** **Mass.** Referring to Legislature of 1904 constitutional amendment to Const. 1780 by adding article: any constitutional amendment proposed by 50,000 voters, not over 25,000 from 1 county, approved by 15 senators and majority of representatives, shall be submitted to people at next state election; if approved by majority of voters to be resubmitted to people at next state election; if approved by two thirds vote to become part of Constitution; rejected amendment may not be proposed again for 3 years. *Not repassed in 1904.* p.583, 5 Je 03

34

Amendments pending

Amendments acted on during current year are duplicated under the special subjects to which they pertain. This list includes all pending amendments whether acted on during the current or previous years.

- a** **Ct.** Referring to Legislature of 1905 constitutional amendment: governor or Legislature may not appoint during session any member to remunerative office; United States senator and notary public excepted. p.207, 20 My 03
- b** **Ct.** Referring to Legislature of 1905 constitutional amendment: towns may hold annual or biennial elections. p.207, 20 My 03
- c** **Ct.** Referring to Legislature of 1905 amendment to Const. 1818 by adding article: voting machines may be used in elections; regulations. p.207, 20 My 03
- d** **Ct.** Referring to Legislature of 1905 constitutional amendment in form of a revision of Constitution. 14p. p.208, 2 Je 03
- f** **Ia.** Referring to Legislature of 1906 amendment to Const. 1857 art.1 by adding §18: Legislature may regulate construction of drains across private lands, provide for organization of drainage districts, and maintenance of drains, and define procedure. p.210, 9 Ap 04
- g** **Ky.** Submitting amendment to Const. 1891 §147: elections by people to be *viva voce* [formerly by secret official ballot]; election officers to make public record according to direction of voter. *Vote November 1905.* 30, 14 Je 04
- h** **Miss.** Submitting amendment to Const. 1890 by repealing §105 which required Legislature to take decennial state census. *Adopted November 1904 but not inserted in Constitution by resolution of Legislature.* 171, 8 Mr 04
- i** **Nev.** Referring to Legislature of 1905 amendment to Const. 1864 art.15 §13 relating to legislative apportionment: each county to have at least one senator and one assemblyman; enumeration. p.230, 10 Mr 03

Amendments pending

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- j Nev. Referring to Legislature of 1905 amendment to Const. 1864 art.4 §1: provision for initiative on petition of 10% of voters of state, and referendum on petition of 7% of voters, or by act of Legislature. p.231, 12 Mr 03
- k Nev. Referring to Legislature of 1905 amendment to Const. 1864 adding article: state may furnish public utilities; debt contracted, not to exceed 10% of taxable property; provision for referendum. p.232, 12 Mr 03
- m Nev. Referring to Legislature of 1905 amendment to Const. 1864 art.10 §1: proceeds only of *unpatented* mines and mining claims to be taxed; patented mines to be assessed at \$500 or more; exception. p.240, 20 Mr 03
- p N. Y. Submitting amendment to Const. 1894 art.7 by adding §11: Legislature may pay from funds in treasury sinking fund charges, interest and principal of debts heretofore or hereafter created; if other funds suffice, no direct annual tax need be imposed. *Vote November 1905.* p.1451, 22 Ap 03
- q N. Y. Submitting amendment to Const. 1894 art.6 by adding section: Legislature may increase justices in any judicial district but number may not exceed 1 justice for each 60,000 or fraction over 35,000; 1st and 2d districts excepted. *Vote November 1905.* p.1452, 22 Ap 03
- r N. Y. Submitting amendment to Const. 1894 art.12 §1: Legislature may regulate wages, hours and conditions of labor of employees of state or any civil division and on all public contracts. *Vote November 1905.* p.1453, 22 Ap 03
- s N. Y. Referring to Legislature of 1905 amendment to Const. 1894 art.7 §4 relating to creation and payment of state debts: direct annual tax to be levied to pay annual interest charge, and principal within 50 [formerly 18] years from date of contraction. p.1454, 22 Ap 03
- 81 N. Y. Referring to Legislature of 1905 amendment to Const. 1894 art.7 by adding §12: Legislature may contract debts for improvement of highways, limited to \$50,000,000; counties to pay not more than 35%, or towns 15% of cost of highway. p.1454, 2 Ap 03
- 82 N. Y. Submitting amendment to Const. 1894 art.8 §10: debts of New York city for water supply excepted from constitutional limit of city indebtedness. *Vote November 1905.* p.1456, 23 Ap 03
- 83 N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §2 as amended in 1899, relating to justices of appellate division of Supreme Court: when not acting as appellate justice may hold term of Supreme Court in any county or judicial district in any other department of state. p.1931, 6 Ap 04

CONSTITUTIONAL LAW CONSTITUTIONS

31

- 84** **N. Y.** Referring to next Legislature amendment to Const. 1894
 art.6 §6: Court of Appeals may authorize appointment of trial commissioners in counties of 500,000, their necessity being certified to by appellate division of Supreme Court of the county; term 6 years; salary \$12,000; powers. p.1933, 8 Ap 04
- 85** **N. Y.** Referring to next Legislature amendment to Const. 1894
 art.7 §7 relating to forest preserve: Legislature may authorize removal of dead timber for reforestation; also sale of lands outside Adirondack park and Catskill park; proceeds to be used for purchase of lands within parks; regulations. p.1934, 9 Ap 04
- 86** **N. Y.** Referring to next Legislature amendment to Const. 1894
 art.2 §1 as to residence qualifications in a city comprising more than 1 county. p.1935, 14 Ap 04
- 87** **N. Y.** Referring to next Legislature amendment to Const. 1894
 art.6 §1, 7 as amended in 1899: Legislature may increase number of justices of Supreme Court, and judges of Court of Appeals not to exceed 11, on two thirds vote of members of each house; divisions of latter; quorum; concurrence. p.1936, 14 Ap 04
- 88** **N. Y.** Referring to next Legislature amendment to Const. 1894
 art.6 §6 by adding article: justices of appellate division of department in which Supreme Court commissioners have been appointed may designate additional commissioners and may revoke designation. p.1938, 15 Ap 04
- t** **N. D.** Referring to Legislature of 1905 amendment to Const. 1889 §162: school funds may be invested in county, township or municipal bonds. p.294, 24 F 03
- t1** **O.** Submitting amendment to Const. 1851 by adding art.17: elections of state and county officers to be held Tuesday after 1st Monday in November in even years, of other elective officers, in odd years; Legislature to fix even year terms of administrative and judicial officers within certain limits. *Vote November 1905.* p.640, 18 Mr 04
- t2** **O.** Submitting amendment to Const. 1851 art.12 §2: state, local government and school bonds to be exempt from taxation. *Vote November 1905.* p.652, 25 Ap 04
- t3** **Or.** Referring to Legislature of 1903 amendment to Const. 1857 art.11 §2: general laws to be passed for incorporation of cities; cities may frame and adopt charters without submission to Legislature. *Repassed in 1903 but no provision for submission.* p.471, 15 F 01
- t4** **Or.** Referring to Legislature of 1903 amendment to Const. 1857 art.1 §3 which prohibited negroes from residing in state. *Repassed in 1903 but no provision for submission.* p.479, 12 F 01
- t5** **Or.** Referring to Legislature of 1905 amendment to Const. 1857 art.2 by adding section: right of suffrage to be extended to women.

p.37, '03

Amendments adopted

34-35

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- t6 R. I. Referring to Legislature of 1905 amendment to Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Legislature to [formerly may] reapportion representation after every United States [formerly or state] census and divide each city and town into representative districts; no town or city to have more than one fourth [formerly one sixth] of whole number of members. r.1, 13 Ap 04
- t7 S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.3 §9: sessions of Legislature after 1906 to be held *biennially* [formerly annually]. 383, 11 F 04
- t8 S. C. Referring to Legislature of 1905 amendment to Const. 1895 by adding article of amendment: Legislature may pass local and special laws relative to construction and working of roads and highways, also relative to drainage. 384, 18 F 04
- u S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.8 §7 amended in 1901, relating to municipal bonded indebtedness: city of Greenville may increase indebtedness to 15% for street improvement or sewerage or purchase of water or electric light plants. 385, 18 F 04
- ur Wis. Referring to Legislature of 1905 amendment to Const. 1848 art.8 §1: Legislature may provide for graduated income tax. p.776, 03

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Amendments adopted

The entries under this head are duplicated under the special subjects to which they pertain.

- a Ark. Submitting amendment to Const. 1874 art.16 §1: state or local division may not loan credit; regulating issue of local government bonds; cities over 2500 excepted. *Adopted November 1904.* p.484, 8 Ap 03
- b Cal. Submitting amendment to Const. 1879 art.9 by adding §12: property of California Academy of Sciences exempt from taxation. *Adopted November 1904.* p.598, 6 F 03
- c Cal. Submitting amendment to Const. 1879 art.13, by adding §10½: personal property of every householder to \$100 exempt from taxation. *Adopted November 1904.* p.682, 26 F 03
- d Cal. Submitting amendments to Const. 1879 art.6, relating to judiciary: division of state into 3 judicial districts, each presided over by District Court of Appeals, consisting of 3 justices; to have appellate jurisdiction over certain cases formerly under jurisdiction of Supreme Court; cases pending before Supreme Court may be transferred to District Court of Appeals; election of justices; qualifications; salaries; Supreme Court Commission abolished. *Adopted November 1904.* p.737, 14 Mr 03

- e Col. Submitting amendment to Const. 1876 art.6 §5-8 relative to Supreme Court: election, term and number of judges; departments. *Adopted November 1904.* 73, 6 Ap 03
- f Col. Submitting amendment to Const. 1876 art.10 §3 relating to exemptions from taxation: repealing provision relating to special assessments; exemption of personal property. *Adopted November 1904.* 74, 8 Ap 03
- g Fla. Submitting amendment to Const. 1885 art.12 §8: counties to levy annual school tax of 3 to 7 [formerly 5] mills. *Adopted November 1904.* p.637, 13 My 03
- h Ga. Submitting amendment to Const. 1877 art.7 §1 by adding ¶2: Legislature may levy annual ad valorem tax on property not to exceed 5 mills on \$1. *Adopted October 1904.* p.21, 17 Ag 03
- i Ga. Submitting amendment to Const. 1877 art.8 §4 ¶1: counties [formerly on recommendation of 2 grand juries], *militia districts, school districts* and municipal corporations may maintain public schools by local taxation, on two thirds vote [formerly of qualified voters] *of persons voting at special election.* *Adopted October 1904.* p.23, 17 Ag 03
- j Ga. Submitting amendment to Const. 1877 art.11 §1 ¶2: counties *limited to 145* [formerly formation of new counties prohibited]. *Adopted October 1904.* p.47, 19 Jl 04
- k Ga. Submitting amendment to Const. 1877 art.3 §3: number of representatives limited to 183 [formerly 175]; reapportionment. *Adopted October 1904.* p.48, 27 Jl 04
- m Ill. Amending Const. 1870 art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government, subject to approval by vote of people. *Adopted November 1904.* p.358, 22 Ap 03
- n Ia. Submitting amendment to Const. 1857 art.12 by adding §16: general elections to be held in November 1906 and biennially thereafter; Legislature to meet in January 1907 and biennially thereafter [Legislature now meets in even years and a general election is held annually]. *Adopted November 1904.* p.207, 7 Mr 04
- p Ia. Submitting amendment to Const. 1857 art.3 §34-36: Senate *to consist of 50* [formerly limited to 50] members; Assembly limited to 108 [formerly 100] representatives; reapportionment of representation. *Adopted November 1904.* p.208, 9 Ap 04
- q Kan. Submitting amendment to Const. 1859 art.2 §14: governor may veto items of appropriation bill. *Adopted November 1904.* 545, 21 F 03
- r La. Submitting amendment to Const. 1898 art.255 relating to Louisiana State University and Agricultural and Mechanical College: repealing provision limiting annual appropriation for maintenance to \$15,000. *Adopted November 1904.* 12, 17 Je 04

Amendments adopted

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- s La. Submitting amendment to Const. 1898 art.230: railroads constructed and completed *between Jan. 1, 1905 and Jan. 1, 1909* [formerly prior to 1904] to be exempt from taxation for 10 years. *Adopted November 1904.* 16, 17 Je 04
- t La. Submitting amendment to Const. 1898 art.303 subdiv.3 amended in 1900: total annual appropriation for pensions may vary from \$75,000 to \$150,000 [formerly \$50,000 to \$75,000]. *Adopted November 1904.* 112, 4 Jl 04
- u La. Submitting amendment to Const. 1898 art.86-88, 95: justices of Supreme Court to be *elected* [formerly appointed by governor with consent of Senate]. *Adopted November 1904.* 137, 6 Jl 04
- v La. Submitting amendment to Const. 1898 art.119: vacancies in office of sheriff, and ex officio collector of state and parish taxes to be filled by special election, if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 138, 6 Jl 04
- w La. Submitting amendment to Const. 1898 art.124: vacancies in office of clerk of District Court to be filled by special election if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 139, 6 Jl 04
- w1 La. Submitting amendment to Const. 1898 art.125: vacancies in office of district attorney to be filled by election if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 140, 6 Jl 04
- w2 La. Submitting amendment to Const. 1898 art.109: vacancies in office of judge of District Court to be filled by special election if unexpired portion of term exceed 1 year or if less than year, by governor with consent of Senate. *Adopted November 1904.* 141, 6 Jl 04
- w3 La. Submitting amendment to Const. 1898 art.281: municipal council may create 1 or more sewerage districts within corporate limits; sewerage districts on majority vote of property taxpayers may levy special tax not exceeding 5 mills on \$1 of assessed valuation of property of district; exception; bond issue. *Adopted November 1904.* 186, 7 Jl 04
- w4 Mich. Submitting amendment to Const. 1850 art.4 by repealing §28 limiting introduction of new bills to first 50 days of session. *Adopted November 1904.* p.427, '03
- w5 Minn. Submitting amendment to Const. 1857 art.8 §6: permanent school and university funds may be invested in indebtedness of localities unless bonds purchased make bonded indebtedness exceed 15% [formerly 7%] of assessed valuation. *Adopted November 1904.* 25, 3 Mr 03
- w6 Minn. Submitting amendment to Const. 1857 art.1 §7: no person may be held to answer for criminal offense *without due process*

CONSTITUTIONAL LAW CONSTITUTIONS

- of law* [formerly, unless indicted by grand jury, except in cases of impeachment, cases cognizable before justices of peace, or arising in army or navy or in militia in active service]. *Adopted November 1904.* 269, 18 Ap 03
- w7 Miss. Amending Const. 1890 §206: division into county and state common school funds; county fund, consisting of poll tax, to be retained in counties where collected; *state* [formerly entire] fund to be apportioned among counties and school districts proportionally to children of school age. *Adopted November 1900; ratified by Legislature of 1904.* 201, 6 Mr 00
- w8 Miss. Amending Const. 1890 §256: Legislature may reapportion senators and representatives at 1st session after *federal* census of 1900 [formerly state census of 1895] and every 10 years thereafter. *Adopted November 1900; ratified by Legislature of 1904.* 202, 8 Mr 00
- x Mon. Amending Const. 1889 art.18 by adding §3, 5: children under 16 not to be employed in mines. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03
- x1 Mon. Amending Const. 1889 art.18 by adding §4, 5: establishing 8 hour day for state, county or municipal public work. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03
- x2 N. D. Submitting amendment to Const. 1889 §176: Legislature may tax grain in storage. *Adopted November 1904.* p.293, 2 Mr 03
- x3 N. D. Submitting amendment to Const. 1889 §215 subdiv.8: Institution for Feeble-minded to be removed from Jamestown to Grafton. *Adopted November 1904.* p.294, 5 Mr 03
- x4 N. D. Submitting amendment to Const. 1889, §215 subdiv.5: changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Adopted November 1904.* p.295, 2 Mr 03
- x5 Or. Submitting amendment to Const. 1857 art.12 §1: Legislature to provide for election of state printer; [formerly elected by people]. *Adopted June 1904.* p.168, 24 F 03
- x6 S. D. Submitting amendment to Const. 1889 art.8 §11: school funds may be invested in county, township or city bonds; no loan to exceed \$5000 or *one third* [formerly one half] valuation of land covered by mortgage; interest charge, not less than 5%, to be fixed by Legislature. *Adopted November 1904.* 99, '03
- z Tex. Submitting amendment to Const. 1875 art.3 §52: Legislature may authorize political subdivisions of state to issue bonds not to exceed one fourth assessed valuation of real estate for construction of roads, irrigation works and improvement of streams; proviso. *Adopted November 1904.* p.246, 1 Ap 03
- z1 Tex. Submitting amendment to Const. 1875 art.3 §51: annual appropriation for pensions limited to \$500,000 [formerly \$250,000];

Amendments rejected

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widows of confederate veterans married prior to 1880 [formerly 1866] and not remarried, to receive pension, *Adopted November 1904.*

p.248, 1 Ap 03

- 22 **Tex.** Submitting amendment to Const. 1875 art.16 §16: Legislature may authorize incorporation of banking corporations; shareholders to be liable to amount equal to par value of shares in addition to shares; capital stock to be paid in in full; corporations may do business in only one place; foreign corporations, excepting national banks, may not do business in state. *Adopted November 1904.*

p.249, 1 Ap 03

- 23 **Wash.** Submitting amendment to Const. 1889 art.1 §11: Legislature may appoint chaplains for state penal and reformatory institutions. *Adopted November 1904.*

147, 16 Mr 03

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Amendments rejected

The entries under this head are duplicated under the special subjects to which they pertain.

- a **Ark.** Submitting amendment to Const. 1874 art.7 §3: Supreme Court to consist of chief justice and 5 [formerly 4] associate justices; court to sit in 2 divisions; transfer of causes from division to court. *Rejected November 1904.*

p.482, 10 Mr 03

- b **Cal.** Submitting amendment to Const. 1879 art.13, by adding §14: ships or shipping engaged in foreign or domestic navigation or in fisheries exempt from taxation. *Rejected November 1904.*

p.734, 6 Mr 03

- c **Cal.** Submitting amendment to Const. 1879 art.4 §2, 23: session of Legislature to begin Monday after 1st day of February [formerly January]; pay limited to 80 [formerly 60] days; bills to be introduced during 1st 60 [formerly 50] days of session, except on two thirds vote. *Rejected November 1904.*

p.736, 13 Mr 03

- d **Cal.** Submitting amendment to Const. 1879 art.4 by adding §244: Legislature may revise, and reenact as a whole, any of existing codes, every 12 years. *Rejected November 1904.*

p.742, 14 Mr 03

- e **Fla.** Submitting amendment to Const. 1885 art.8 §6: term of county assessor, collector and treasurer to be 4 years after 1906. *Rejected November 1904.*

p.636, 30 Ap 03

- f **Fla.** Submitting amendment to Const. 1885 art.5 §18: judge of county courts to be attorney at law. *Rejected November 1904.*

p.637, '03

- g **Fla.** Submitting amendment to Const. 1885 art.9 §10: Legislature may authorize municipal corporations to exempt manufacturing enterprises from taxation, not exceeding 15 years. *Rejected November 1904.*

p.638, '03

- h Fla. Submitting amendment to Const. 1885 art.16 §6: *opinions* [formerly decision] of Supreme Court to be filed before judgment takes effect. *Rejected November 1904.* p.639, '03
- i Fla. Submitting amendments to Const. 1885 art.5 §1, 5, 11, 24-29, 31-32: Legislature on petition of majority of voters of county to establish County Court of Record, replacing previous County Court and Criminal Courts; appointment of judge and prosecuting attorney; jurisdiction; abolition of court; procedure. *Rejected November 1904.* p.639, '03
- j Fla. Amending Const. 1885 art.3 §20, 24 prohibiting Legislature from passing special or local laws; exceptions; Legislature to divide municipalities into 4 classes and provide uniform government for each class. Repealing art.8 §8. *Rejected November 1904.* p.643, '03
- k Id. Submitting amendment to Const. 1889 art.6 §5: inmates of soldiers homes to vote in county where home is situated. *Not properly adopted by Legislature, so not submitted to people.* p.449, 11 F 03
- m Id. Submitting amendment to Const. 1889 art.18 §10: term of county commissioners to be 4 [formerly 2] years; biennial elections. *Rejected November 1904.* p.450, 28 F 03
- n Id. Submitting amendment to Const. 1889 art.18 §4: new counties may not be established except by vote of majority of electors in territory proposed to be included. *Not properly adopted by Legislature, so not submitted to people.* p.455, 7 Mr 03
- p La. Submitting amendment to Const. 1898 art.256: repealing provision limiting annual appropriation for maintenance of Louisiana Industrial Institute to \$15,000. *Rejected November 1904.* 18, 17 Je 04
- q La. Submitting amendment to Const. 1898 art.109 relating to District Courts: additional judge to be elected in 1st judicial district; repealing provisions pertaining to 1st election of district judges under Constitution of 1898. *Rejected November 1904.* 29, 21 Je 04
- r La. Submitting amendment to Const. 1898 art.46: Legislature elected in April 1904 authorized to issue \$1,000,000 of 3% 25 year bonds for educational purposes; exemption from taxation. *Rejected November 1904.* 33, 23 Je 04
- s La. Submitting amendment to Const. 1898 art.249: salary of superintendent of public education, \$3000 [formerly \$2000]. *Rejected November 1904.* 123, 6 Jl 04
- t La. Submitting amendment to Const. 1898 art.98-100, 106, 131 relating to Courts of Appeal: division of state into 2 circuits and of circuits into 3 districts each; election of judges of districts for term

Amendments rejected

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- of 8 years; vacancies; sessions of Courts of Appeals; jurisdiction. Repealing art.105. *Rejected November 1904.* 132, 6 Jl 04
- u La. Submitting amendment to Const. 1898 art.97: salary of attorney general, \$5000 [formerly \$3000]. *Rejected November 1904.* 134, 6 Jl 04
- v Mass. Referring to Legislature of 1904 amendment to Const. 1780 by adding article: any constitutional amendment proposed by 50,000 voters (but 25,000 from any one county), approved by 15 senators and majority of representatives, shall be submitted to people at next general election; on approval of majority of voters to be resubmitted to people at succeeding state election, and if approved by two thirds vote, to become part of Constitution; rejected amendment may not be proposed again for 3 years. *Not repassed in 1904.* p.583, 5 Je 03
- w2 Mo. Amending Const. 1875 art.4 §47: Legislature may authorize cities of 100,000 to provide pensions for disabled and superannuated policemen and relief for their widows and minor children. *Rejected November 1904.* p.279, '03
- w3 Mo. Amending Const. 1875 art.4 §1: legislative power inherent in electors of municipal divisions, subject to general laws; referendum may be demanded by 10% of voters of each congressional district within 90 days after adjournment of Legislature; only appropriation acts, laws for immediate preservation of public peace, health and safety, and laws passed by two thirds vote may become operative within 90 days after adjournment; initiative of laws on petition of 15% of voters of state, and of constitutional amendments on petition of 20% of voters of each congressional district. *Rejected November 1904.* p.280, '03
- w4 Mo. Amending Const. 1875 art.10, by adding §27: annual tax of ½ mill to be levied to supply schools with free textbooks. *Rejected November 1904.* p.281, '03
- w5 Mo. Amending Const. 1875 art.12 §24: antipass provisions omitted; transportation companies to give passes to designated state officials and judges, sheriffs and superintendents of state institutions; penalties. *Rejected November 1904.* p.283, '03
- w6 Mo. Amending Const. 1875 art.10 adding section: authorizing ½ mill tax for 5 years for erection of new state capitol. *Rejected November 1904.* p.284, '03
- w7 N. Y. Referring to next Legislature amendment to Const. 1894 art.6 adding §24: provision for election of 2 additional justices of Supreme Court in 2d judicial district. *Not repassed in 1903 or 1904.* p.1806, 22 Ap 01
- w8 S. D. Submitting amendment to Const. 1889 by adding art.29: salary of attorney general, \$1800. *Rejected November 1904.* 97, 03

CONSTITUTIONAL LAW STATE DEPARTMENTS

- x S. D. Submitting amendment to Const. 1889 art.20 §1, 2: permanent seat of government to be located at Mitchell. *Rejected November 1904.* 98, '03
- x2 Tenn. Submitting amendment to Const. 1870 art.3 §4: governor to hold office 4 [formerly 2] years, and be eligible 8 in 12 [formerly 6 in 8] years. *Rejected November 1904.* 532, 2 Ap 03
- x3 Tenn. Submitting amendment to Const. 1870 art.3 §17: secretary of state to be *elected by qualified voters* [formerly by joint vote of Legislature]. *Rejected November 1904.* 532, 2 Ap 03
- x4 Tenn. Submitting amendment to Const. 1870 art.7 §1: sheriffs, registers and county trustees are to be elected for 4 [formerly 2] years; *ineligible for 2d term*, till expiration of 4 years. *Rejected November 1904.* 532, 2 Ap 03
- x5 Tenn. Submitting amendment to Const. 1870 art.7 §3: state treasurer and comptroller to be *elected by qualified voters* [formerly by joint vote of Legislature]; term 4 [formerly 2] years. *Rejected November 1904.* 532, 2 Ap 03
- x6 Tenn. Submitting amendment to Const. 1870 art.11 §13: Legislature may enact local road, fence and stock laws. *Rejected November 1904.* 532, 2 Ap 03
- x7 Tenn. Submitting amendment to Const. 1870 art.11 §18: counties or cities may exempt new manufacturers from taxation for 10 years on two thirds vote of County Court or city council. *Rejected November 1904.* 532, 2 Ap 03
- x8 Tenn. Submitting amendment to Const. 1870 art.11 §19: indebtedness of counties, cities and towns limited to 10% of value of taxable property. *Rejected November 1904.* 532, 2 Ap 03
- x4 Wy. Submitting amendment to Const. 1889 art.5 §17: salary of Supreme Court judges, \$5000, of District Court judges, \$4000 after January 1905. *Rejected November 1904.* p.152, 23 F 03

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State departments

BY HELEN PAGE BATES PH.D.

See also 753. Officers; also under each head Finance, Public health, Charities Education etc.

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Governor

- a Tenn. Submitting amendment to Const. 1870 art.3 §4: governor to hold office 4 [formerly 2] years and be eligible 8 in 12 [formerly 6 in 8] years. *Rejected November 1904.* 532, 2 Ap 03
- b Va. Amending C. §221-22 relating to powers of governor: all officers of executive department, also institutional boards and superintendents to report to governor on request; [formerly officials were designated, and quarterly reports required]; governor may employ accountants to inspect official records. Repealing §220.

428 (ex. sess.), 12 D 03

Secretary of state

43-50

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43 Salary

- a Ala. Salary of governor, \$5000 [formerly \$3000]. Amending C. §1954. p.32, 2 F 03
- b Ga. Salary of governor \$5000 [formerly \$3000]. See Const. 1877 art.5 §1 ¶2. p.71, 16 Ag 04

44 Secretary. Clerks. Employees

- a Ala. Salary of private secretary to governor, \$2400 [formerly \$1500]. Amending C. §1958. p.126, 5 Mr 03
- b Mass. Salary of executive secretary of governor and Council, \$2500 [formerly \$2000]. Amending R. L. ch.4 §6. 268, 27 Ap 04
- c Miss. Salary of governor's private secretary \$1500 [formerly \$1200]. Amending '02 ch.108. 134, 18 Mr 04
- d O. Amending R. S. §80, 108, 1288 relating to secretary of governor. p.4, 6 Ja 04

45 Veto

- a Kan. Amending Const. 1859 art.2 §14: governor may veto items of appropriation bill. *Adopted November 1904.* 545, 21 F 03

48 Lieutenant governor

- a O. Salary of lieutenant governor \$1500 [formerly \$800]. Amending R. S. §1284. p.3, 6 Ja 04

49 Secretary of state

- a Ala. Secretary of state to appoint chief clerk at salary, \$1500. p.158, 5 Mr 03
- b Miss. Office of secretary of state to be open from 9 a. m. to 5 p. m.; [formerly closed from 12 m. to 2 p. m.] Amending Ann. C. '92 §4084. 168, 19 F 04
- c N. Y. Amending executive law, '92 ch.683 §26 subdiv.4 and adding subdiv.16 relating to fees of secretary of state: registry of trademark. 26, 1 Mr 04
- d Tenn. Submitting amendment to Const. 1870 art.3 §17: secretary of state to be *elected by qualified voters* [formerly by joint vote of Legislature]. *Rejected November 1904.* 532, 2 Ap 03
- e Va. Secretary of commonwealth to make *monthly* [formerly annual] statement of tax receipts to auditor of public accounts. Amending C. §591. 336 (ex. sess.), 3 D 03
- f Va. Revision of C. ch.18 relating to duties of secretary of commonwealth and concerning state and other libraries. Repealing '03 ch.253, 261. 547 (ex. sess.), 2 Ja 04
- g W. Va. Fixing fees of secretary of state; monthly and annual reports to auditor of state. 13, 11 Ag 04

50 Attorney general

- a Ala. Attorney general may employ stenographer at \$50 a month. p. 395, 6 O 03

- b Ga. Salary of stenographer for attorney general, \$100 a month.
p.106, 12 Ag 04
- c Ia. Salary of assistant attorney general, \$1800 [formerly \$1200].
Amending C. §212. 10, 24 Mr 04
- d La. Submitting amendment to Const. 1898 art.97: salary of attorney general, \$5000 [formerly \$3000]. *Rejected November 1904.*
134, 6 Jl 04
- f Miss. Office of attorney general to be open from 9 a. m. to 5 p. m.; [formerly closed from 12 m. to 2 p. m.] Amending Ann. C. '92 §188. 137, 19 F 04
- g N. J. Attorney general to act as counsel for state boards, commissions and officials; provision for appointment of assistant attorney general and for clerk hire. Amending and supplementing '54 ch.58. 62, 25 Mr 04
- h O. Attorney general may appoint assistants and employees of department: viz, first and second assistant attorney general at salaries of \$3000 and \$2500 respectively, chief clerk at \$1500, stenographers and messenger, also special counsel as needed; attorney general to be only legal adviser of state institutions, boards and officers; [formerly other counsel allowed on consent of attorney general, governor and auditor of state]. Amending R. S. §202, 202a. p.59, 31 Mr 04
- i S. D. Submitting amendment to Const. 1889 by adding art.29: salary of attorney general, \$1800. *Rejected November 1904.* 97, '03
- j Va. Attorney general to give his opinion and act as counsel to State Corporation Commission. Amending C. §3203-4.
416 (ex. sess.), 10 D 03
- k Va. Salary of attorney general \$3500 [formerly \$2500]; clerk may be employed at \$1200 [formerly \$900]. Amending C. §183.
67, 7 Mr 04

51 Other officers and boards

Departments of agriculture are classified under Agriculture, of education Education, etc.

53 Corporation commission

- a Va. Amending C. §183 subdiv.12, regulating salaries of members and employees of State Corporation Commission. 65, 7 Mr 04

57 Officers and departments created, abolished or reorganized

Courts and court officers not included

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a Ala. Creating State Board of Horticulture to consist of state commissioner of agriculture and industries, president of Alabama State Horticultural Society, and director of Experiment Station

Amendments adopted

14-35

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- t6 R. I. Referring to Legislature of 1905 amendment to Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Legislature to [formerly may] reapportion representation after every United States [formerly or state] census and divide each city and town into representative districts; no town or city to have more than one fourth [formerly one sixth] of whole number of members. r.1, 13 Ap 04
- t7 S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.3 §9: sessions of Legislature after 1906 to be held biennially [formerly annually]. 383, 11 F 04
- t8 S. C. Referring to Legislature of 1905 amendment to Const. 1895 by adding article of amendment: Legislature may pass local and special laws relative to construction and working of roads and highways, also relative to drainage. 384, 18 F 04
- u S. C. Referring to Legislature of 1905 amendment to Const. 1895 art.8 §7 amended in 1901, relating to municipal bonded indebtedness: city of Greenville may increase indebtedness to 15% for street improvement or sewerage or purchase of water or electric light plants. 385, 18 F 04
- ur Wis. Referring to Legislature of 1905 amendment to Const. 1848 art.8 §1: Legislature may provide for graduated income tax. p.776, 03

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Amendments adopted

The entries under this head are duplicated under the special subjects to which they pertain.

- a Ark. Submitting amendment to Const. 1874 art.16 §1: state or local division may not loan credit; regulating issue of local government bonds; cities over 2500 excepted. *Adopted November 1904.* p.484, 8 Ap 03
- b Cal. Submitting amendment to Const. 1879 art.9 by adding §12: property of California Academy of Sciences exempt from taxation. *Adopted November 1904.* p.598, 6 F 03
- c Cal. Submitting amendment to Const. 1879 art.13, by adding §10½: personal property of every householder to \$100 exempt from taxation. *Adopted November 1904.* p.682, 26 F 03
- d Cal. Submitting amendments to Const. 1879 art.6, relating to judiciary: division of state into 3 judicial districts, each presided over by District Court of Appeals, consisting of 3 justices; to have appellate jurisdiction over certain cases formerly under jurisdiction of Supreme Court; cases pending before Supreme Court may be transferred to District Court of Appeals; election of justices; qualifications; salaries; Supreme Court Commission abolished. *Adopted November 1904.* p.737, 14 Mr 03

CONSTITUTIONAL LAW STATE DEPARTMENTS

- a Ky.** Creating State School Book Commission to consist of 7 designated members; to adopt and contract for uniform series of textbooks; \$1000. 14p. 3, 8 F 04
- p Ky.** Creating State Board of Dental Examiners: to consist of 5 members appointed by governor for 5 years; to license to practise on diploma of approved college and examination; annual report to governor; [replacing board of examiners created in 1893, chosen from Kentucky State Dental Association]. Amending '93 ch.189 §1, 3-4, 6. 32, 17 Mr 04
- q Ky.** Auditor, treasurer and secretary of state to constitute Board of Assessment; to fix valuation of shares of national banks in state; annual report to auditor of public accounts. 66, 21 Mr 04
- r Ky.** Creating State Board of Embalming: to consist of 5 members appointed by governor for 4 years; later appointments to be made by governor on recommendation of Funeral Directors Association of Kentucky; to license to practise on examination. 89, 22 Mr 04
- a La.** Creating State Crop Pest Commission: to consist of governor, commissioner of agriculture, director and entomologist of State Experiment Station, and 2 cotton planters appointed by governor; term 4 years; compensation; to prevent spread of crop and fruit diseases and pests, in particular cotton boll weevil; bulletins to be published and distributed by Board of Agriculture and Immigration. 6, 15 D 03
- t La.** Establishing Department of Forestry: register of Land Office as ex officio commissioner of forestry and 4 appointees of governor to constitute State Forestry Commission; commissioner to appoint deputy as chief firewarden with power to appoint assistant wardens; powers and duties; compensation; deputy to report annually to commissioner and latter, to governor. 113, 4 J1 04
- u La.** Creating office of state fire marshal: to be appointed by governor; salary \$3000; powers and duties; annual report to governor. 122, 5 J1 04
- v La.** Creating State Board of Charities and Corrections: to consist of 6 members appointed by governor for 6 years; governor to serve as chairman; to visit and inspect state and local charitable and correctional institutions; annual report to governor and biennial report to Legislature. 176, 5 J1 04
- w Md.** Creating Board of Examiners of Nurses: to consist of 5 members appointed for 3 years by governor on recommendation of State Association of Graduate Nurses; to issue certificates on diploma and examination. 172, 25 Mr 04; 241, 12 Ap 04
- wi Md.** Commission, which was appointed by '96 ch.51 to direct State Economic and Geologic Survey, now vested with power to

- supervise construction of state roads; \$200,000 annual appropriation for road improvement. Supplementing '98 ch.454. 225, 2 Ap 04
- w2 Md. Creating Board of Barber Examiners: to consist of 3 members appointed by governor for 2 years: board may appoint local subboards of examiners; to issue certificates on examination; annual report to state comptroller. 226, 1 Ap 04
- w3 Md. Creating office of state reporter *and codifier*: to be appointed for 4 years by Court of Appeals; salary \$3000 [formerly \$1000]; as codifier to compile code of general laws in 1910 and every 10 years thereafter, and code of local laws as needed. Amending C. art.80. 327, 8 Ap 04
- w4 Md. Reorganizing State Board of Education: to consist of governor and 6 [formerly 4] appointees confirmed by Senate, and superintendent of public education [formerly also principal of state normal school]; principals of state normal schools and of normal department of school or college receiving state aid to be honorary members without vote. Amending C. art.77 §5. 584, 12 Ap 04
- w5 Mass. Creating office of state forester: to be appointed for 1 year by governor with consent of Council; salary \$2000; to be ex officio member of State Board of Agriculture; powers and duties; annual report to Legislature; annual expenditure limited to \$5000. 409, 3 Je 04
- w6 Mass. Abolishing fire marshal's department under Department of District Police; transferring powers and duties to detective department; reorganizing latter by adding thereto chief fire inspector [corresponding to former chief aid of fire marshal's department] and 6 additional fire inspectors. Repealing '02 ch.142 §2, 3, '03 ch.365 §1. 433, 8 Je 04
- w7 Miss. Creating State Textbook Commission: to consist of state superintendent of education and 8 appointees of governor from the several congressional districts; term 5 years; to adopt uniform series of textbooks. 86, 19 Mr 04
- w8 Miss. Creating permanent Capitol Commission: to consist of governor, secretary of state, state insurance commissioner and state revenue agent; commission may employ superintendent to supervise capitol and grounds at \$1200 salary. 109, 10 Mr 04
- x N. J. Creating State Board of Tenement House Supervision: to consist of 5 members appointed by governor with consent of Senate; term 5 years; powers and duties; annual report to governor. 61, 25 Mr 04
- xi N. J. Creating Department of Labor: to consist of commissioner to be appointed for 3 years by governor with consent of Senate at \$2500 salary, an assistant appointed by commissioner

with consent of governor, and 11 inspectors (2 women) appointed by governor; powers and duties; annual report by commissioner to governor. 64, 24 Mr 04

- 22** N. J. Creating office of state auditor: to be attached to office of comptroller of treasury, and appointed by latter with consent of governor; salary \$2500; powers and duties. Supplementing '65 ch.212. 198, 29 Mr 04

- 23** N. J. Creating State Board of Public Accountants: to consist of 3 members appointed by governor for 3 years; board to recommend examinees to governor for certificate; annual report to governor. 230, 5 Ap 04

- 24** N. J. Providing for creation of River Flood District Commission on establishing of any river flood district: to consist of 5 members appointed by governor with consent of Senate; perpetual succession under corporate name; salary \$2500; to plan, construct and maintain dams, sluices, canals etc. for arresting overflow of flood waters; annual report to secretary of state. 4 (ex. sess.), 19 Ap 04

- 25** N. Y. Consolidating Department of Public Instruction and University of the State of New York: offices of state superintendent of public instruction and secretary of the University abolished and state commissioner of education created; Board of Regents reorganized. 40, 8 Mr 04

- 26** N. Y. Creating State Board of Alienists: to consist of chief and 2 assistant examiners appointed by State Commission in Lunacy; to act under direction of commission; salaries \$5000 and \$3000 respectively; to examine immigrants as to mental condition. 326, 13 Ap 04

- 27** N. Y. Creating Board of Examiners and Appraisers (of canal property): to act under direction of State Canal Board; to consist of 3 members appointed for 4 years by governor with consent of Senate; salary \$5000; powers and duties. 335, 14 Ap 04

- 28** N. Y. Creating River Improvement Commission: to consist of state engineer and surveyor, attorney general, superintendent of public works, state forest, fish and game commissioner, and 1 civil engineer appointed by governor with consent of Senate; powers and duties; annual report to Legislature. 12p. 734, 14 My 04

- 29** O. Abolishing office of quartermaster general and transferring powers and duties to adjutant general; creating office of assistant quartermaster general to be appointed by governor; to serve in office of adjutant general; salary \$1500; abolishing offices of judge advocate general, surgeon general and chief of engineers. Amending R. S. §98, 99, 102 and repealing §100, 101. p.5, 11 Ja 04

- 30** O. Members of Board of Public Works to serve as superin-

Permanent boards

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- tendents of the several state canals; to maintain canals and public works; power of appointment. Amending R. S. §218 subdiv.4. p.103, 19 Ap 04
- y2 O. Establishing Division of Nursery and Orchard Inspection under Ohio Department of Agriculture: creating office of state entomologist to be appointed by board to serve as chief inspector; powers and duties; board to report annually to governor; [repealing '02 p.491, which provided for appointment of nursery inspector by State Board of Agriculture]. p.172, 22 Ap 04
- y3 O. Supplementing '88 p.127 providing for appointment of Canal Survey Commission: governor with consent of Senate to appoint for 2 years 2 [formerly 3] commissioners at \$1500 [formerly \$1200] salary; to complete work begun by original commission. p.184, 22 Ap 04
- y4 O. Establishing State Highway Department: creating office of state highway commissioner to be appointed for 4 years by governor with consent of Senate; salary \$2500; commissioner may appoint assistant at \$1500 on approval of governor; powers and duties; annual report to governor. p.511, 27 Ap 04; p.523, 18 Ap 04
- y5 O. Creating Board of Deposit: to consist of treasurer of state, auditor of state and attorney general; to designate banks and trust companies for state depositories. p.535, 3 My 04
- y6 O. Creating State Board of Equalization for Electric Railroads: to consist of auditor of state, treasurer of state, attorney general and commissioner of railroads and telegraphs; to equalize valuations of county boards of appraisers and assessors. p.572, 6 My 04
- y7 R. I. State nursery inspector to be appointed by State Board of Agriculture for 1 year; compensation to be fixed by board; powers and duties. 1159, 13 Ap 04
- y8 R. I. Creating Firemen's Relief Board of Rhode Island: to consist of 1 member appointed by Rhode Island State League of Firemen and 2 persons by governor with consent of Senate; term 1 year; powers and duties; \$2500 annual appropriation to league. 1161, 13 Ap 04
- z S. C. Creating state commissioner of agriculture, commerce and immigration: to be appointed for 4 years by governor with consent of Senate; salary \$1900; powers and duties; annual report to governor. 259, 23 F 04
- z1 Va. Repealing '00 ch.202 as to provision requiring register of land office to serve as superintendent of weights and measures. 454, 14 D 03
- z2 Va. Creating office of secretary of Virginia military records: to be appointed for 1 year by governor on recommendation of com-

mander of Grand Camp of Confederate Veterans; salary \$1200; to collect muster rolls and military records of confederate officers and enlisted men and transfer to United States War Department.

70, 7 Mr 04

- 23 W. Va. Creating office of state tax commissioner: to be appointed for 6 years by governor with consent of Senate; salary \$4000; biennial report to governor.

4, 15 Ag 04

58 Temporary boards and officers

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. *See also* 59, Special investigations.

- a Ala. Designating Capitol Building Commission of 6 members to supervise enlargement of capitol; report to Legislature of 1907. \$150,000. p.57, 17 F 04
- b Ala. Legislature to elect commissioner to codify statutes; completion of code before Legislature of 1907; \$10,000. p.298, 30 S 03
- c Ga. Joint legislative committee to be appointed to purchase portrait of Gen. J. B. Gordon to be placed in capitol; \$500. p.732, 13 Ag 04
- d Ga. Commission consisting of state commissioner of agriculture, state geologist and 3 appointees of governor to be appointed to represent state at Jamestown Exposition in 1907. p.761, 13 Ag 04
- e Ia. Commission of 5 veterans to be appointed by governor to erect monument commemorative of prisoners at Andersonville; annual report to governor; \$10,000. 166, 9 Ap 04
- f Ky. Louisiana Purchase Exhibition Commission consisting of 15 members to be appointed by governor; to erect building and prepare exhibit; proviso; final report to governor; \$75,000. 1, 27 Ja 04
- g Ky. Commissioners of Sinking Fund of Kentucky constituted Board of Capitol Commissioners: to erect and complete capitol buildings at Frankfort; reports to governor and Legislature; \$1,000,000. 2, 6 F 04
- h Ky. Commission consisting of governor, lieutenant governor, auditor and treasurer, to erect statue at Frankfort to martyred Gov. William Goebel; \$20,000. 118, 25 Mr 04
- i La. Extending term of New Orleans Courthouse Commission created in 1902. Supplementing '02 ch.79. 96, 30 Je 04
- j Md. Attorney general with 4 appointees of governor to form Advisory Commission on Emergency Legislation made necessary by Baltimore fire. 2, 11 F 04
- k Md. Governor, comptroller of treasury and treasurer may sell, convey or lease to Baltimore city authorities property of state lying within burnt district. 581, 12 Ap 04

- m** Md. Governor to appoint commission of 13 members to confer with similar commission from Virginia relating to Jamestown Exposition in 1907; report to Legislature of 1906. p. 1272, '04
- n** Md. Designating committee of 4 members to prepare plan for rebuilding Fort Frederick; report to Legislature of 1906; \$50. p. 1273, '04
- q** Mass. Commission, consisting of state auditor, secretary of commonwealth and adjutant general, to pass on applications for bounties to be awarded to Civil War veterans; powers and duties; provision for state loan of \$350,000. Amending '03 ch. 471. 458, 9 Je 04
- p** Mass. Governor with consent of Council may appoint committee of 3 members to consider erection of memorials to John Adams, John Quincy Adams and John Hancock; report to Legislature of 1905. r. 109, 8 Je 04
- r** Miss. Entomologist of Mississippi Agricultural Station to regulate inspection, sale and shipment of nursery stock, and cotton products liable to be infested with boll weevil; report to Legislature of 1906; \$10,000. 45, 18 Mr 04
- s** Miss. Creating commission of 3 members: to be appointed by governor from the several Supreme Court districts; to codify laws; compensation \$2000 each; ratification of code by special session of Legislature in 1906. 100, 19 Mr 04
- t** Miss. Governor, attorney general, 1 appointee of governor, and 2 others appointed by governor on nomination of Legislature to constitute commission to provide for state institution for deaf and dumb; cost limited to \$75,000; report to Legislature of 1906. 108, 14 Mr 04
- u** N. J. Governor to appoint 3 commissioners to erect monument to 9th Regiment of New Jersey Volunteer Infantry buried in National Cemetery at Newbern N. C.; \$5000. 56, 22 Mr 04
- v** N. J. Governor to appoint 3 commissioners to erect tablets or monuments on Revolutionary battlegrounds at Elizabethtown, Connecticut Farms, and Springfield; \$5000. 93, 28 Mr 04
- w** N. J. Supervisor, keeper and board of inspectors of State Prison to constitute building commission to enlarge State Prison; expenditure limited to \$335,000. 98, 28 Mr 04
- x** N. J. Governor to appoint 3 commissioners to compile general statutes; compensation; work to be entitled Revised Statutes of New Jersey. 227, 30 Mr 04
- xi** N. J. Governor, president of Senate, and speaker of House of Assembly to constitute commission to decide on purchase of portraits of New Jersey signers of Declaration of Independence; \$1250. p. 505, 24 Mr 04

CONSTITUTIONAL LAW STATE DEPARTMENTS

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- x2** N. J. President of Senate, speaker of House of Assembly and adjutant general to constitute committee to purchase portraits of governor and ex-governors; \$2000. p.506, 28 Mr 04
- x3** N. Y. Designating Board of Statutory Consolidation of 5 members: to appoint persons to consolidate laws, and direct work; annual report to Legislature and final report in 1907; \$32,500. 664, 9 My 04
- x4** N. Y. Designating commission of 5 members to select site for New York State Training School for Boys, within 50 miles of New York city, on abandonment of House of Refuge for Juvenile Delinquents on Randall's island; report to Legislature of 1905. 718, 11 My 04
- x5** O. Governor to appoint commission of 3 members to erect monument to Gen. P. H. Sheridan at Somerset; commission to act under supervision of governor; \$10,000. p.510, 27 Ap 04
- x6** O. Governor, adjutant general and president of Board of Library Commissioners to supervise erection and furnishing of additional rooms for State Library; \$5000. p.515, 27 Ap 04; p.641, 24 Mr 04
- x7** O. Commission consisting of governor, auditor of state, attorney general, secretary of State Board of Health and one appointee of governor to purchase lands and erect state sanatorium for tuberculosis; \$35,000. p.559, 4 My 04
- x8** O. Commission consisting of governor, auditor of state and secretary of state to erect monument to William H. Gibson; \$10,000 appropriation on subscription of \$8000 by citizens. p.645, 31 Mr 04
- y** O. Committee of 5 to be appointed by governor to consider location for State Hospital for Insane; report to Legislature of 1906. p.651, 25 Ap 04
- y1** O. Commission of 3 members to be appointed by governor to erect soldiers monument at Fort Meigs; \$25,000. p.651, 25 Ap 04
- y2** Or. Creating Board of Commissioners of Canals and Locks: to consist of governor, secretary of state and state treasurer; to acquire right of way for canal and improvement of Columbia river between The Dalles and Celilo; expenditure limited to \$100,000; final report to be filed with secretary of state. p.11, 24 D 03
- y3** R. I. Designating committee of 3 members to erect monument to Maj. Gen. Frank Wheaton of Civil War; \$1300. r.26, 30 Mr 04
- y4** S. C. Designating commission of 3 members to direct repairing of monument on battlefield at Chickamauga; \$2500. 368, 22 F 04
- y5** S. C. Joint legislative commission of 5 members to be appointed to direct completion of state house; \$50,000. 374, 25 F 04
- y6** Va. Joint committee, consisting of governor, 3 senators and 3 delegates to supervise enlargement and restoration of state cap-

Secretary of state

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43 Salary

- a Ala. Salary of governor, \$5000 [formerly \$3000]. Amending C. §1954. p.32, 2 F 03
- b Ga. Salary of governor \$5000 [formerly \$3000]. See Const. 1877 art.5 §1 ¶2. p.71, 16 Ag 04

44 Secretary. Clerks. Employees

- a Ala. Salary of private secretary to governor, \$2400 [formerly \$1500]. Amending C. §1958. p.126, 5 Mr 03
- b Mass. Salary of executive secretary of governor and Council, \$2500 [formerly \$2000]. Amending R. L. ch.4 §6. 268, 27 Ap 04
- c Miss. Salary of governor's private secretary \$1500 [formerly \$1200]. Amending '02 ch.108. 134, 18 Mr 04
- d O. Amending R. S. §80, 108, 1288 relating to secretary of governor. p.4, 6 Ja 04

45 Veto

- a Kan. Amending Const. 1859 art.2 §14: governor may veto items of appropriation bill. *Adopted November 1904.* 545, 21 F 03

48 Lieutenant governor

- a O. Salary of lieutenant governor \$1500 [formerly \$800]. Amending R. S. §1284. p.3, 6 Ja 04

49 Secretary of state

- a Ala. Secretary of state to appoint chief clerk at salary, \$1500. p.158, 5 Mr 03
- b Miss. Office of secretary of state to be open from 9 a. m. to 5 p. m.; [formerly closed from 12 m. to 2 p. m.] Amending Ann. C. '92 §4084. 168, 19 F 04
- c N. Y. Amending executive law, '92 ch.683 §26 subdiv.4 and adding subdiv.16 relating to fees of secretary of state: registry of trademark. 26, 1 Mr 04
- d Tenn. Submitting amendment to Const. 1870 art.3 §17: secretary of state to be *elected by qualified voters* [formerly by joint vote of Legislature]. *Rejected November 1904.* 532, 2 Ap 03
- e Va. Secretary of commonwealth to make *monthly* [formerly annual] statement of tax receipts to auditor of public accounts. Amending C. §591. 336 (ex. sess.), 3 D 03
- f Va. Revision of C. ch.18 relating to duties of secretary of commonwealth and concerning state and other libraries. Repealing '03 ch.253, 261. 547 (ex. sess.), 2 Ja 04
- g W. Va. Fixing fees of secretary of state; monthly and annual reports to auditor of state. 13, 11 Ag 04

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Attorney general

- a Ala. Attorney general may employ stenographer at \$50 a month. p. 395, 6 O 03

- b Ga. Salary of stenographer for attorney general, \$100 a month.
p.106, 12 Ag 04
- c Ia. Salary of assistant attorney general, \$1800 [formerly \$1200].
Amending C. §212. 10, 24 Mr 04
- d La. Submitting amendment to Const. 1898 art.97: salary of attorney general, \$5000 [formerly \$3000]. *Rejected November 1904.*
134, 6 Jl 04
- f Miss. Office of attorney general to be open from 9 a. m. to 5 p. m.; [formerly closed from 12 m. to 2 p. m.] Amending Ann. C. '92 §188. 137, 19 F 04
- g N. J. Attorney general to act as counsel for state boards, commissions and officials; provision for appointment of assistant attorney general and for clerk hire. Amending and supplementing '54 ch.58. 62, 25 Mr 04
- h O. Attorney general may appoint assistants and employees of department: viz, first and second assistant attorney general at salaries of \$3000 and \$2500 respectively, chief clerk at \$1500, stenographers and messenger, also special counsel as needed; attorney general to be only legal adviser of state institutions, boards and officers; [formerly other counsel allowed on consent of attorney general, governor and auditor of state]. Amending R. S. §202, 202a. p.59, 31 Mr 04
- i S. D. Submitting amendment to Const. 1889 by adding art.29: salary of attorney general, \$1800. *Rejected November 1904.* 97, '03
- j Va. Attorney general to give his opinion and act as counsel to State Corporation Commission. Amending C. §3203-4.
416 (ex. sess.), 10 D 03
- k Va. Salary of attorney general \$3500 [formerly \$2500]; clerk may be employed at \$1200 [formerly \$900]. Amending C. §183.
67, 7 Mr 04

51 Other officers and boards

Departments of agriculture are classified under Agriculture, of education Education, etc.

53 Corporation commission

- a Va. Amending C. §183 subdiv.12, regulating salaries of members and employees of State Corporation Commission. 65, 7 Mr 04

57 Officers and departments created, abolished or reorganized

Courts and court officers not included

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a Ala. Creating State Board of Horticulture to consist of state commissioner of agriculture and industries, president of Alabama State Horticultural Society, and director of Experiment Station

Permanent boards

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of Alabama Polytechnic Institute; professor of horticulture of institute to be state horticulturist; to regulate inspection and sale of nursery stock; quarterly report of horticulturist to board; annual report of board to governor; \$1500 annual appropriation.

p.140, 5 Mr 03

- b **Ala.** Creating State Text Book Commission to consist of state superintendent of education, governor and 3 teachers appointed by latter; term; appointment of examining committee of 5; to adopt uniform textbooks; \$2000. p.167, 4 Mr 03
- c **Ala.** Reorganizing State Military Board to consist of adjutant general, quartermaster general and inspector general and 2 appointees of governor: to constitute advisory body to commander in chief. Amending '99 p.136 §2, 12, 15, and adding §30-32. p.265, 30 S 03
- d **Ala.** Creating State Board of Appointment according to Const. 1901 §186: to consist of governor, state auditor and state commissioner of agriculture and industries; to appoint county boards of registrars. p.438, 9 O 03
- e **Ala.** Creating state bank examiner to be appointed by governor for 4 years; salary \$2000; annual inspection of banking institutions and trust companies; annual report to governor. p.483 10 O 03
- f **Id.** Declaring unconstitutional '03 p.375 which created Board of Deposits. *State v. Coffin*, 74 P. 962 (1903).
- g **Ia.** Secretary of state to act as custodian of state documents and publications; powers and duties; biennial report to governor. 5, 12 Mr 04
- h **Ia.** Auditor of state to appoint insurance examiner at salary, \$2000; to inspect companies biennially; powers and duties. 56, 17 Mr 04
- i **Ia.** Commission consisting of governor, auditor of state, and attorney general to approve plans for consolidation or reinsurance of risks of life insurance companies. 58, 30 Mr 04
- j **Ia.** State Board of Health to serve as state registrar of vital statistics: appointment of local health officers as subregistrars; powers and duties; monthly reports by latter to state board. 100, 13 Ap 04
- k **Ia.** Iowa State College of Agriculture and Mechanic Arts constituted Highway Commission for Iowa; powers and duties; annual report to governor. 105, 13 Ap 04
- m **Ia.** State agent for Soldiers' Orphans Home, Industrial School for Boys, and Industrial School for Girls, to be appointed by Board of Control of State Institutions; to place out and visit children in homes; reports to board. 157, 13 Ap 04

CONSTITUTIONAL LAW STATE DEPARTMENTS

- n Ky.** Creating State School Book Commission to consist of 7 designated members; to adopt and contract for uniform series of textbooks; \$1000. 14p. 3, 8 F 04
- p Ky.** Creating State Board of Dental Examiners: to consist of 5 members appointed by governor for 5 years; to license to practise on diploma of approved college and examination; annual report to governor; [replacing board of examiners created in 1893, chosen from Kentucky State Dental Association]. Amending '93 ch.189 §1, 3-4, 6. 32, 17 Mr 04
- q Ky.** Auditor, treasurer and secretary of state to constitute Board of Assessment; to fix valuation of shares of national banks in state; annual report to auditor of public accounts. 66, 21 Mr 04
- r Ky.** Creating State Board of Embalming: to consist of 5 members appointed by governor for 4 years; later appointments to be made by governor on recommendation of Funeral Directors Association of Kentucky; to license to practise on examination. 89, 22 Mr 04
- s La.** Creating State Crop Pest Commission: to consist of governor, commissioner of agriculture, director and entomologist of State Experiment Station, and 2 cotton planters appointed by governor; term 4 years; compensation; to prevent spread of crop and fruit diseases and pests, in particular cotton boll weevil; bulletins to be published and distributed by Board of Agriculture and Immigration. 6, 15 D 03
- t La.** Establishing Department of Forestry: register of Land Office as ex officio commissioner of forestry and 4 appointees of governor to constitute State Forestry Commission; commissioner to appoint deputy as chief firewarden with power to appoint assistant wardens; powers and duties; compensation; deputy to report annually to commissioner and latter, to governor. 113, 4 Jl 04
- u La.** Creating office of state fire marshal: to be appointed by governor; salary \$3000; powers and duties; annual report to governor. 122, 5 Jl 04
- v La.** Creating State Board of Charities and Corrections: to consist of 6 members appointed by governor for 6 years; governor to serve as chairman; to visit and inspect state and local charitable and correctional institutions; annual report to governor and biennial report to Legislature. 176, 5 Jl 04
- w Md.** Creating Board of Examiners of Nurses: to consist of 5 members appointed for 3 years by governor on recommendation of State Association of Graduate Nurses; to issue certificates on diploma and examination. 172, 25 Mr 04; 241, 12 Ap 04
- wi Md.** Commission, which was appointed by '96 ch.51 to direct State Economic and Geologic Survey, now vested with power to

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- supervise construction of state roads; \$200,000 annual appropriation for road improvement. Supplementing '98 ch.454. 225, 2 Ap 04
- w2 Md. Creating Board of Barber Examiners: to consist of 3 members appointed by governor for 2 years: board may appoint local subboards of examiners; to issue certificates on examination; annual report to state comptroller. 226, 1 Ap 04
- w3 Md. Creating office of state reporter *and* codifier: to be appointed for 4 years by Court of Appeals; salary \$3000 [formerly \$1000]; as codifier to compile code of general laws in 1910 and every 10 years thereafter, and code of local laws as needed. Amending C. art.80. 327, 8 Ap 04
- w4 Md. Reorganizing State Board of Education: to consist of governor and 6 [formerly 4] appointees confirmed by Senate, and superintendent of public education [formerly also principal of state normal school]; principals of state normal schools and of normal department of school or college receiving state aid to be honorary members without vote. Amending C. art.77 §5. 584, 12 Ap 04
- w5 Mass. Creating office of state forester: to be appointed for 1 year by governor with consent of Council; salary \$2000; to be ex officio member of State Board of Agriculture; powers and duties; annual report to Legislature; annual expenditure limited to \$5000. 409, 3 Je 04
- w6 Mass. Abolishing fire marshal's department under Department of District Police; transferring powers and duties to detective department; reorganizing latter by adding thereto chief fire inspector [corresponding to former chief aid of fire marshal's department] and 6 additional fire inspectors. Repealing '02 ch.142 §2, 3, '03 ch.365 §1. 433, 8 Je 04
- w7 Miss. Creating State Textbook Commission: to consist of state superintendent of education and 8 appointees of governor from the several congressional districts; term 5 years; to adopt uniform series of textbooks. 86, 19 Mr 04
- w8 Miss. Creating permanent Capitol Commission: to consist of governor, secretary of state, state insurance commissioner and state revenue agent; commission may employ superintendent to supervise capitol and grounds at \$1200 salary. 109, 10 Mr 04
- x N. J. Creating State Board of Tenement House Supervision: to consist of 5 members appointed by governor with consent of Senate; term 5 years; powers and duties; annual report to governor. 61, 25 Mr 04
- xi N. J. Creating Department of Labor: to consist of commissioner to be appointed for 3 years by governor with consent of Senate at \$2500 salary, an assistant appointed by commissioner

with consent of governor, and 11 inspectors (2 women) appointed by governor; powers and duties; annual report by commissioner to governor. 64, 24 Mr 04

- x2** N. J. Creating office of state auditor: to be attached to office of comptroller of treasury, and appointed by latter with consent of governor; salary \$2500; powers and duties. Supplementing '65 ch.212. 198, 29 Mr 04

- x3** N. J. Creating State Board of Public Accountants: to consist of 3 members appointed by governor for 3 years; board to recommend examinees to governor for certificate; annual report to governor. 230, 5 Ap 04

- x4** N. J. Providing for creation of River Flood District Commission on establishing of any river flood district: to consist of 5 members appointed by governor with consent of Senate; perpetual succession under corporate name; salary \$2500; to plan, construct and maintain dams, sluices, canals etc. for arresting overflow of flood waters; annual report to secretary of state. 4 (ex. sess.), 19 Ap 04

- x5** N. Y. Consolidating Department of Public Instruction and University of the State of New York: offices of state superintendent of public instruction and secretary of the University abolished and state commissioner of education created; Board of Regents reorganized. 40, 8 Mr 04

- x6** N. Y. Creating State Board of Alienists: to consist of chief and 2 assistant examiners appointed by State Commission in Lunacy; to act under direction of commission; salaries \$5000 and \$3000 respectively; to examine immigrants as to mental condition. 326, 13 Ap 04

- x7** N. Y. Creating Board of Examiners and Appraisers (of canal property): to act under direction of State Canal Board; to consist of 3 members appointed for 4 years by governor with consent of Senate; salary \$5000; powers and duties. 335, 14 Ap 04

- x8** N. Y. Creating River Improvement Commission: to consist of state engineer and surveyor, attorney general, superintendent of public works, state forest, fish and game commissioner, and 1 civil engineer appointed by governor with consent of Senate; powers and duties; annual report to Legislature. 12p. 734, 14 My 04

- y** O. Abolishing office of quartermaster general and transferring powers and duties to adjutant general; creating office of assistant quartermaster general to be appointed by governor; to serve in office of adjutant general; salary \$1500; abolishing offices of judge advocate general, surgeon general and chief of engineers. Amending R. S. §98, 99, 102 and repealing §100, 101. p.5, 11 Ja 04

- y1** O. Members of Board of Public Works to serve as superin-

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- tendents of the several state canals; to maintain canals and public works; power of appointment. Amending R. S. §218 subdiv.4. p.103, 19 Ap 04
- y2 O. Establishing Division of Nursery and Orchard Inspection under Ohio Department of Agriculture: creating office of state entomologist to be appointed by board to serve as chief inspector; powers and duties; board to report annually to governor; [repealing '02 p.491, which provided for appointment of nursery inspector by State Board of Agriculture]. p.172, 22 Ap 04
- y3 O. Supplementing '88 p.127 providing for appointment of Canal Survey Commission: governor with consent of Senate to appoint for 2 years 2 [formerly 3] commissioners at \$1500 [formerly \$1200] salary; to complete work begun by original commission. p.184, 22 Ap 04
- y4 O. Establishing State Highway Department: creating office of state highway commissioner to be appointed for 4 years by governor with consent of Senate; salary \$2500; commissioner may appoint assistant at \$1500 on approval of governor; powers and duties; annual report to governor. p.511, 27 Ap 04; p.523, 18 Ap 04
- y5 O. Creating Board of Deposit: to consist of treasurer of state, auditor of state and attorney general; to designate banks and trust companies for state depositories. p.535, 3 My 04
- y6 O. Creating State Board of Equalization for Electric Railroads: to consist of auditor of state, treasurer of state, attorney general and commissioner of railroads and telegraphs; to equalize valuations of county boards of appraisers and assessors. p.572, 6 My 04
- y7 R. I. State nursery inspector to be appointed by State Board of Agriculture for 1 year; compensation to be fixed by board; powers and duties. 1159, 13 Ap 04
- y8 R. I. Creating Firemen's Relief Board of Rhode Island: to consist of 1 member appointed by Rhode Island State League of Firemen and 2 persons by governor with consent of Senate; term 1 year; powers and duties; \$2500 annual appropriation to league. 1161, 13 Ap 04
- z S. C. Creating state commissioner of agriculture, commerce and immigration: to be appointed for 4 years by governor with consent of Senate; salary \$1900; powers and duties; annual report to governor. 259, 23 F 04
- z1 Va. Repealing '00 ch.202 as to provision requiring register of land office to serve as superintendent of weights and measures. 454, 14 D 03
- z2 Va. Creating office of secretary of Virginia military records: to be appointed for 1 year by governor on recommendation of com-

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mander of Grand Camp of Confederate Veterans; salary \$1200; to collect muster rolls and military records of confederate officers and enlisted men and transfer to United States War Department.

70, 7 Mr 04

- 23 W. Va. Creating office of state tax commissioner: to be appointed for 6 years by governor with consent of Senate; salary \$4000; biennial report to governor. 4, 15 Ag 04

58 Temporary boards and officers

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. *See also* 59, Special investigations.

- a Ala. Designating Capitol Building Commission of 6 members to supervise enlargement of capitol; report to Legislature of 1907. \$150,000. p.57, 17 F 04
- b Ala. Legislature to elect commissioner to codify statutes; completion of code before Legislature of 1907; \$10,000. p.298, 30 S 03
- c Ga. Joint legislative committee to be appointed to purchase portrait of Gen. J. B. Gordon to be placed in capitol; \$500. p.732, 13 Ag 04
- d Ga. Commission consisting of state commissioner of agriculture, state geologist and 3 appointees of governor to be appointed to represent state at Jamestown Exposition in 1907. p.761, 13 Ag 04
- e Ia. Commission of 5 veterans to be appointed by governor to erect monument commemorative of prisoners at Andersonville; annual report to governor; \$10,000. 166, 9 Ap 04
- f Ky. Louisiana Purchase Exhibition Commission consisting of 15 members to be appointed by governor; to erect building and prepare exhibit; proviso; final report to governor; \$75,000. 1, 27 Ja 04
- g Ky. Commissioners of Sinking Fund of Kentucky constituted Board of Capitol Commissioners: to erect and complete capitol buildings at Frankfort; reports to governor and Legislature; \$1,000,000. 2, 6 F 04
- h Ky. Commission consisting of governor, lieutenant governor, auditor and treasurer, to erect statue at Frankfort to martyred Gov. William Goebel; \$20,000. 118, 25 Mr 04
- i La. Extending term of New Orleans Courthouse Commission created in 1902. Supplementing '02 ch.79. 96, 30 Je 04
- j Md. Attorney general with 4 appointees of governor to form Advisory Commission on Emergency Legislation made necessary by Baltimore fire. 2, 11 F 04
- k Md. Governor, comptroller of treasury and treasurer may sell, convey or lease to Baltimore city authorities property of state lying within burnt district. 581, 12 Ap 04

- m** Md. Governor to appoint commission of 13 members to confer with similar commission from Virginia relating to Jamestown Exposition in 1907; report to Legislature of 1906. p. 1272, '04
- n** Md. Designating committee of 4 members to prepare plan for rebuilding Fort Frederick; report to Legislature of 1906; \$50. p. 1273, '04
- q** Mass. Commission, consisting of state auditor, secretary of commonwealth and adjutant general, to pass on applications for bounties to be awarded to Civil War veterans; powers and duties; provision for state loan of \$350,000. Amending '03 ch. 471. 458, 9 Je 04
- p** Mass. Governor with consent of Council may appoint committee of 3 members to consider erection of memorials to John Adams, John Quincy Adams and John Hancock; report to Legislature of 1905. r. 109, 8 Je 04
- r** Miss. Entomologist of Mississippi Agricultural Station to regulate inspection, sale and shipment of nursery stock, and cotton products liable to be infested with boll weevil; report to Legislature of 1906; \$10,000. 45, 18 Mr 04
- s** Miss. Creating commission of 3 members: to be appointed by governor from the several Supreme Court districts; to codify laws; compensation \$2000 each; ratification of code by special session of Legislature in 1906. 100, 19 Mr 04
- t** Miss. Governor, attorney general, 1 appointee of governor, and 2 others appointed by governor on nomination of Legislature to constitute commission to provide for state institution for deaf and dumb; cost limited to \$75,000; report to Legislature of 1906. 108, 14 Mr 04
- u** N. J. Governor to appoint 3 commissioners to erect monument to 9th Regiment of New Jersey Volunteer Infantry buried in National Cemetery at Newbern N. C.; \$5000. 56, 22 Mr 04
- v** N. J. Governor to appoint 3 commissioners to erect tablets or monuments on Revolutionary battlegrounds at Elizabethtown, Connecticut Farms, and Springfield; \$5000. 93, 28 Mr 04
- w** N. J. Supervisor, keeper and board of inspectors of State Prison to constitute building commission to enlarge State Prison; expenditure limited to \$335,000. 98, 28 Mr 04
- x** N. J. Governor to appoint 3 commissioners to compile general statutes; compensation; work to be entitled Revised Statutes of New Jersey. 227, 30 Mr 04
- xi** N. J. Governor, president of Senate, and speaker of House of Assembly to constitute commission to decide on purchase of portraits of New Jersey signers of Declaration of Independence; \$1250. p. 505, 24 Mr 04

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- x2** N. J. President of Senate, speaker of House of Assembly and adjutant general to constitute committee to purchase portraits of governor and ex-governors; \$2000. p.506, 28 Mr 04
- x3** N. Y. Designating Board of Statutory Consolidation of 5 members: to appoint persons to consolidate laws, and direct work; annual report to Legislature and final report in 1907; \$32,500. 664, 9 My 04
- x4** N. Y. Designating commission of 5 members to select site for New York State Training School for Boys, within 50 miles of New York city, on abandonment of House of Refuge for Juvenile Delinquents on Randall's island; report to Legislature of 1905. 718, 11 My 04
- x5** O. Governor to appoint commission of 3 members to erect monument to Gen. P. H. Sheridan at Somerset; commission to act under supervision of governor; \$10,000. p.510, 27 Ap 04
- x6** O. Governor, adjutant general and president of Board of Library Commissioners to supervise erection and furnishing of additional rooms for State Library; \$5000. p.515, 27 Ap 04; p.641, 24 Mr 04
- x7** O. Commission consisting of governor, auditor of state, attorney general, secretary of State Board of Health and one appointee of governor to purchase lands and erect state sanatorium for tuberculosis; \$35,000. p.559, 4 My 04
- x8** O. Commission consisting of governor, auditor of state and secretary of state to erect monument to William H. Gibson; \$10,000 appropriation on subscription of \$8000 by citizens. p.645, 31 Mr 04
- y** O. Committee of 5 to be appointed by governor to consider location for State Hospital for Insane; report to Legislature of 1906. p.651, 25 Ap 04
- y1** O. Commission of 3 members to be appointed by governor to erect soldiers monument at Fort Meigs; \$25,000. p.651, 25 Ap 04
- y2** Or. Creating Board of Commissioners of Canals and Locks: to consist of governor, secretary of state and state treasurer; to acquire right of way for canal and improvement of Columbia river between The Dalles and Celilo; expenditure limited to \$100,000; final report to be filed with secretary of state. p.11, 24 D 03
- y3** R. I. Designating committee of 3 members to erect monument to Maj. Gen. Frank Wheaton of Civil War; \$1300. r.26, 30 Mr 04
- y4** S. C. Designating commission of 3 members to direct repairing of monument on battlefield at Chickamauga; \$2500. 368, 22 F 04
- y5** S. C. Joint legislative commission of 5 members to be appointed to direct completion of state house; \$50,000. 374, 25 F 04
- y6** Va. Joint committee, consisting of governor, 3 senators and 3 delegates to supervise enlargement and restoration of state cap-

Special investigations

58-59

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itol; [replacing joint committee appointed by '02 ch.452 p.465];
\$150,000 additional appropriation. 62, 7 Mr 04

- y7 Va. Commission consisting of governor, treasurer and register
of land office to remove statue of Washington from capitol to
place of safety, during repair of capitol; \$1000. 224, 15 Mr 04

- y8 W. Va. Board of Public Works constituted Board of Review
and Equalization: to equalize reassessment of real estate to be
made in 1905. 15, 12 Ag 04

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Special investigations

The entries under this head are also duplicated under the special subjects to
which they pertain. They are grouped here primarily for the use of the depart-
ment librarian and the student of state administration.

- a Ga. Extending term of Commission on Registration of Land
Titles, appointed in 1903; report to Legislature of 1905. Supple-
menting '03 p.689. p.758, 3 Ag 04
- b Ga. Commission to be appointed consisting of 2 senators,
3 representatives, and 3 members of State Bankers Association
appointed by governor: to consider revision of banking laws;
report. p.759, 26 Jl 04
- c Ga. Governor to appoint commission consisting of 1 physician
from each congressional district, and 10 from state at large: to
investigate prevalence of tuberculosis and means of prevention;
report to Legislature of 1905. p.760, 12 Ag 04
- d Ia. Board of Control of State Institutions to investigate extent
of tuberculosis and means of prevention; \$1000. 162, 12 Ap 04
- e Ia. Joint legislative committee of 3 members to investigate
working of indeterminate sentence and Elmira Reformatory sys-
tems; report to Legislature of 1906; \$500. p.211, 12 Ap 04
- f Ia. Joint legislative committee of 6 members to consider advis-
ability of changing present system of management of state educa-
tional institutions; report to Legislature of 1906; \$1200.
p.211, 12 Ap 04
- g La. Commission consisting of 5 members to be appointed by
governor to investigate Torrens system of land registration; report
to governor by July 1905. 88, 4 Jl 04
- h La. Joint legislative committee of 5 members to be appointed
to investigate systems of state printing; report to Legislature of
1906. 198, 7 Jl 04
- i Md. Creating Public Records Commission: to consist of 3 mem-
bers appointed for 2 years by governor with consent of Senate;
to investigate condition and completeness of public records; \$1000
annual appropriation; report to Legislature. 282, 7 Ap 04
- j Md. Extending term of commission appointed in 1902, to in-
vestigate cerebro-spinal meningitis in horses, to January 1906 [for-
merly 1904]. Supplementing '02 ch.181. 293, 7 Ap 04

- k Md.** Commission consisting of State Lunacy Commission and governor to recommend changes in legislation relative to treatment of insane, and submit plans for additional state hospitals, made necessary by law requiring all dependent insane persons to be cared for by state and to be removed from county and city almshouses. Amending C. art.59 §2. 421, 8 Ap 04
- m Md.** Governor to appoint Tuberculosis Commission: to consist of 5 members; term 2 years; to investigate causes of disease and to present detailed plan for establishment of sanatorium; report to Legislature by January 1906; \$2000. 476, 12 Ap 04
- n Mass.** State Board of Health to consider advisability of legislation to regulate undertaking and embalming; report to Legislature by May 1904. r.27, 23 Mr 04
- p Mass.** State Board of Education to investigate feasibility of increasing age of compulsory school attendance to 15 years. r.80, 20 My 04
- q Mass.** Governor with consent of Council to appoint 3 commissioners to prepare register of adult blind from 20 to 60 years; to consider feasibility of establishing industrial schools; report to Legislature of 1905; \$5000. r.87, 23 My 04
- r Mass.** Governor with consent of Council may appoint committee of 3 members to investigate local sewerage systems within metropolitan sewerage district and consider advisability of their purchase and maintenance by metropolitan water and sewerage boards; report to Legislature of 1905. r.98, 3 Je 04
- s Mass.** State Board of Health to investigate factories as to conditions affecting health or safety of employees; report to Legislature of 1905; \$1000. r.99, 3 Je 04
- t Mass.** Governor with consent of Council to appoint 3 persons as Commission on Building Laws; to consider expediency of revision; report to Legislature of 1905. 424, 4 Je 04
- u N. J.** Governor to appoint 3 commissioners to investigate advisability of establishing free bridges across Delaware river; report to Legislature of 1905. p.507, 28 Mr 04
- v N. J.** Extending time of commission appointed to report on advisability of state reformatory for women. Supplementing '03 p.523. p.510, 28 Mr 04
- w R. I.** Designating commission of 7 members to determine changes necessary for carrying into effect art.12 of amendments to Constitution, adopted in November 1903, relating to jurisdiction of Supreme Court; report to secretary of state by October 1904. r.2, 13 Ap 04
- x Va.** Special joint commission of 10 members to be appointed by speaker of House and president of Senate to consider advisa-

bility of establishing additional state female normal school; report to Legislature. 583, 11 Ja 04

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State institutions

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. See also 335, Corrections; 2140, Charities; 2220, Education.

61

Establishment. Reorganization. Change of name

- a Ala. Designating testing laboratory of University of Alabama as State Testing Laboratory for cements and other materials of construction. p.248, 23 S 03; p.389, 6 O 03
- b Ala. Establishing Home for Confederate Veterans at Mountain Creek, on conveyance of site; board of control to consist of governor and 1 veteran from each congressional district and 3 from state at large appointed by governor; \$25,000. p.260, 6 O 03
- c Ia. Establishing State Hospital for Inebriates in former Industrial Home for Adult Blind at Knoxville: to be used for detention and treatment of dipsomaniacs, inebriates and those addicted to drugs; management by Board of Control of State Institutions; \$125,000. 80, 6 Ap 04
- d Ia. Establishing State Bacteriological Laboratory connected with medical department of State University at Iowa City: professor of bacteriology to serve as director of laboratory; additional salary limited to \$1200; to make scientific analyses and investigation under direction of State Board of Health; \$6000 biennial appropriation. 101, 12 Ap 04
- e Ky. Changing name of Kentucky Institution for Education of Deaf Mutes at Danville to Kentucky School for Deaf. 42, 19 Mr 04
- f La. Changing name of Insane Asylum for Colored Persons of State of Louisiana to *Louisiana Hospital for Insane* at Alexandria; *white and colored* patients to be received. Amending '02 ch.92 §1, 2, 8, 9, 15, 16. 143, 6 Jl 04
- g La. Establishing state reform school for reception of male convicts under 18, not guilty of capital offenses; organization and management; annual report to governor. 173, 5 Jl 04
- h Mass. Establishing Massachusetts School and Home for Crippled and Deformed Children: managing board of 5 trustees to be appointed by governor with consent of Council; supervision by State Board of Charity; annual report of trustees to governor; provision for \$300,000 loan. 446, 8 Je 04
- i Miss. Establishing State Institution of Deaf and Dumb near Jackson; appointment of commission to select site, erect and fur-

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- nish buildings and sell property now occupied by institution; report to Legislature of 1906. 108, 14 Mr 04
- j** N. Y. Changing name of House of Refuge for Women at Hudson to New York State Training School for Girls; managing board to consist of 6 members appointed by governor with consent of Senate; commitment of girls under 17. Adding §131-39c to state charities law '96 ch.546 art.8. 453, 28 Ap 04
- k** N. Y. Establishing State Armory at Rochester on approval by State Armory Commission; \$300,000 on donation of site. 642, 9 My 04
- m** N. Y. Establishing State Armory at Flushing on approval of State Armory Commission; \$70,000. 647, 9 My 04
- n** N. Y. Establishing New York State College of Agriculture at Cornell University; \$250,000 on conveyance of lands by latter. 655, 9 My 04
- p** N. Y. Establishing State Armory at Binghamton on approval of State Armory Commission; \$120,000 additional to proceeds of sale of old site and building. 667, 9 My 04
- q** N. Y. Establishing State Reception Hospital for Insane in borough of Manhattan; supervision by State Lunacy Commission; \$300,000. 760, 14 My 04
- r** N. D. Submitting amendment to Const. 1889 §215 subdiv.8: Institution for Feeble-minded to be removed from Jamestown to Grafton. *Adopted November 1904.* p.294, 5 Mr 03
- s** N. D. Submitting amendment to Const. 1889 §215 subdiv.5: changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Adopted November 1904.* p.295, 2 Mr 03
- t** O. Establishing Home of Ohio Soldiers, Sailors, Marines, their Wives, Mothers and Widows, and Army Nurses, at Madison, on cession of site by National Women's Relief Corps; managing board of 5 members to be appointed by governor with consent of Senate; annual report to governor; appropriation. p.69, 6 Ap 04

62

Supervision and administration

See also 790, 863, Finance

- a** Ia. Amending C. §2727-a 23 relative to employment of architects by Board of Control of State Institutions. 109, 6 Ap 04
- b** Ia. \$250 annual appropriation for quarterly conferences of executive officers of institutions under Board of Control of State Institutions. 110, 17 Mr 04
- c** Ia. Special policemen may be appointed for any institution under control of Board of Control of State Institutions; regulations. 111, 13 Ap 04
- d** Ia. Providing for disposition of unclaimed money left by deceased inmates of state institutions. 112, 13 Ap 04

- e Mass. Inmates of public penal, charitable or reformatory institutions to be required only to attend religious service of own belief; proviso. Amending R. L. ch.225 §72. 363, 23 My 04
- f O. Extending provisions of R.S. §6826-27a to all state *benevolent, penal* or reformatory institutions: prohibiting abduction or enticement of inmates to escape, trespassing on grounds of institutions, or purchasing clothing from inmates; arrest and return of fugitives. p.306, 23 Ap 04

63

State boards of control

- a La. Creating State Board of Charities and Corrections: to visit and inspect state and local charitable, and correctional institutions; annual report to governor and biennial report to Legislature. 176, 5 Jl 04
- b Md. Amending C. art.88a relating to Board of State Aid and Charities: board to consist of 7 [formerly 5] members, 2 *nonresidents of Baltimore city*; salary of secretary \$1800 [formerly \$1200]; duties of secretary; investigation of state-aided institutions, and recommendation as to appropriations. 549, 8 Ap 04

66

Public documents. Printing

67

General

- a Ia. State documents to be placed in custody of secretary of state; classification and arrangement; distribution. Amending C. §126. 5, 12 Mr 04; 6, 9 Ap 04
- b La. Joint legislative committee of 5 members to be appointed to investigate systems of state printing; report to Legislature of 1906. 198, 7 Jl 04
- c Md. Revising C. art.78 relating to public printing; *Board of Public Works* [formerly clerk of Court of Appeals] to award contracts; biennial report to Legislature. 319, 12 Ap 04
- d O. Amending R. S. §133-34 relative to purchase of paper for public printing. p.568, 6 My 04
- e Va. Revising C. ch.19 and later supplements relating to public printing. 532 (ex.sess.), 31 D 03
- f Va. Amending C. §273 relating to contracts for public printing. 214, 15 Mr 04

68 State printing boards and officers

- a Mass. Statistics incorporated in reports of boards, commissions and heads of departments to be approved by State Board of Publication. 388, 31 My 04
- b O. Salary of supervisor of public printing \$1800 [formerly \$800]. Amending R. S. §1284. p.3, 6 Ja 04
- c O. Salary of supervisor of public printing \$2000 [formerly \$1800]. Amending R. S. §1284. p.556, 3 My 04

- d Or. Submitting amendment to Const. 1857 art.12 §1: Legislature to provide for election of state printer [formerly elected by people]. *Adopted June 1904.* p.168, 24 F 03

70

Distribution

See also 2354, State libraries

- a Ala. Secretary of state to furnish probate judge of county additional copies of state reports and documents for each place where court of record is held. p.416, 9 O 03
- b Ia. Secretary of state to distribute code, and state documents in foreign countries and effect exchanges; college library exchanges. 142, 4 Ap 04

72

Manuals. Blue books

- a Ia. Secretary of state to publish 15,000 additional copies of Iowa Official Register of 1904. p.216, 13 Ja 04; p.217, 28 Ja 04
- b Ky. State librarian to purchase and distribute legislative manuals; library exchanges. p.326, 21 Mr 04
- c N. J. Amending '91 ch.18 §2 relating to legislative manual: distribution to public schools. 109, 28 Mr 04

77

Legislature

See also 2455, Council (municipal)

- a Cal. Submitting amendment to Const. 1879 art.4 §2, 23: session of Legislature to begin Monday after first day of *February* [formerly January]; pay limited to 80 [formerly 60] days; bills to be introduced during first 60 [formerly 50] days of session except on two thirds vote. *Rejected November 1904.* p.736, 13 Mr 03
- b Va. Regular session of Legislature to meet second *Wednesday in January 1904* [formerly first Wednesday in December 1889] and every second year thereafter; duties and privileges of members during session. Amending C. §194, 197-99. 458 (ex. sess.), 17 D 03

79

Election. Number. Apportionment. Vacancies

- a Ia. Submitting amendment to Const. 1857 art.3 §34-36: Senate to consist of 50 [formerly limited to 50] members; Assembly limited to 108 [formerly 100] representatives; reapportionment of representation. *Adopted November 1904.* p.208, 9 Ap 04
- b Va. Amending C. §60, 61, '02 ch.674 relating to apportionment of representation: term of senators; vacancies in Legislature. 323 (ex. sess.), 25 N 03

80 **Apportionment: general laws**

- a Ga. Submitting amendment to Const. 1877 art.3 §3: number of representatives limited to 183 [formerly 175]; reapportionment. *Adopted October 1904.* p.48, 27 Jl 04

Legislators

80-90

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- b Ind. Apportioning senators and representatives. 206, 9 Mr 03.
Unconstitutional. Unequal and not according to population. Brooks v. State, 70 N. E. 980 (1904).
 - c Ia. Reapportioning state into representative districts.
184, 13 Ap 04
 - d Miss. Amending Const. 1890 §256: Legislature may at first session after *federal* census of 1900 [formerly state census of 1895] reapportion senators and representatives, and every 10 years thereafter. *Adopted November 1900; ratified by Legislature of 1904.*
202, 8 Mr 00
 - e R. I. Referring to Legislature of 1905 amendment to Const. 1842 art.5 §1: House of Representatives to consist of 100 [formerly limited to 72] members; Legislature *to* [formerly may] reapportion representation after every United States [formerly or state] census, *and divide each city and town into representative districts*; no town or city to have more than *one fourth* [formerly one sixth] of whole number of members.
r.1, 13 Ap 04
- 84 United States senators
- a Ia. Requesting Congress to call constitutional convention to consider election of senators by direct vote. p.209, 24 Mr 04

88

Special laws

See also 2434, Municipalities

- a Fla. Submitting amendment to Const. 1885 art.3 §20: Legislature may not pass special or local laws; exceptions. *Rejected November 1904.*
p.643, '03
- b Ill. Amending Const. 1870 art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government, subject to approval by vote of people. *Adopted November 1904.*
p.358, 22 Ap 03
- c S. C. Referring to Legislature of 1905 amendment to Const. 1895, by adding article of amendment: Legislature may pass local and special laws relative to construction and working of roads and highways, also relative to drainage.
384, 18 F 04
- d Tenn. Submitting amendment to Const. 1870 art.11 §13: Legislature may enact local road, fence and stock laws. *Rejected November 1904.*
532, 2 Ap 03

90

Members of Legislature

- a O. Salary of legislators \$1200 [formerly \$600]. Amending R. S. §40.
p.316, 25 Ap 04
- b S. C. Mileage of assemblyman 5 [formerly 10] cents. Amending C. C. §14.
220, 20 F 04

95 Internal organization

97 Committees

- a **Mass.** Committee of ways and means of House of Representatives may regularly employ first clerk in auditor's department as clerk. 440, 8 Je 04
- b **O.** Amending R. S. §871 as to time of redemption of county bonds issued for rebuilding certain county buildings. p.117, 20 Ap 04
- c **R. I.** Joint committee on engrossed acts may employ clerk at \$600 [formerly \$400] salary. Amending '03 p.186. 1152, 30 Mr 04

100 Officers and employees

- a **Ala.** Providing for employees of Legislature: prescribing method of appointment or election, compensation and tenure. p.27, 26 Ja 03
- b **Ala.** Officers or clerks of Senate or House may employ assistants with authority of presiding officer. p.30, 26 Ja 03
- c **R. I.** Certain committees of Senate and House may employ clerks at \$500 a year. Amending '02 ch.1003. 1139, 19 F 04

102 Records

- a **Ala.** Amending C. §2240 as to filing legislative journals. p.241, 18 S 03

105 Legislative procedure

106 Bills

- a **Mich.** Submitting amendment to Const. 1850 art.4 by repealing §28, which limited introduction of new bills to first 50 days of session. *Adopted November 1904.* p.427, '03

113 Sessions

- a **Ia.** Submitting amendment to Const. 1857 art.12 by adding §16: Legislature to meet in January 1907 and biennially thereafter; [Legislature now meets in even years]. *Adopted November 1904.* p.207, 7 Mr 04
- b **S. C.** Referring to Legislature of 1905 amendment to Const. 1895 art.3 §9: sessions of Legislature after 1900 to be held *biennially* [formerly annually]. 383, 11 F 04

115 Direct legislation

- a **Mass.** Referring to Legislature of 1904 amendment to Const. 1780 by adding article: any constitutional amendment proposed by 50,000 voters (but 25,000 from any 1 county) approved by 15 senators and majority of representatives, shall be submitted to people at next general election; on approval by majority of voters to be submitted to people at succeeding state election,

Citizenship. Suffrage

115-29

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and if approved by two thirds vote to become part of Constitution; rejected amendment may not be proposed again for 3 years. *Not repassed in 1904.* p.583, 5 Je 03

- b Mo. Amending Const. 1875 art.4 §1: legislative power inherent in electors of municipal divisions, subject to general laws; referendum may be demanded by 10% of voters of each congressional district within 90 days after adjournment of Legislature; only appropriation acts, laws for immediate preservation of public peace, health and safety laws passed by two thirds vote may become operative within 90 days after adjournment; initiative of laws on petition of 15% of voters of state, and of constitutional amendments on petition of 20% of voters of each congressional district. *Rejected November 1904.* p.280, '03

116 Citizenship. Civil and political rights

See also 128, Suffrage

122

Civil rights

See also 1238, Race distinction

- a Or. Referring to Legislature of 1903 amendment to Const. 1857 art.1 §35, which prohibited negroes from residing in state. *Repassed in 1903 but no provision for submission.* p.479, 12 F 01

125

Elections. Political parties

See also for term of office, vacancies etc., the various officers under state and local government

126

General

- a Ala. General election law. 41p. p.438, 9 O 03
b O. General election law. 66p. p.185, 23 Ap 04
c Va. Amending C. ch.9, relating to elections of state, county, district and city officers. Repealing C. §99. 482 (ex. sess.), 18 D 03
d Va. Revision of C. ch.10 relating to elections. 587 (ex. sess.), 11 Ja 04

128

Suffrage; qualifications

129

General qualifications

- a La. Amending '98 ch.202 §2-3 as to qualifications of voters for elections called to submit question of special levy for improvements. 23, 17 Je 04
b Va. Persons qualified to vote at general elections may vote at any special or local option election. Amending C. §62.

115, 12 Mr 04

CONSTITUTIONAL LAW ELECTIONS

130 Property. Poll tax

132 Poll tax

- a Va. County treasurer to furnish to clerk of Circuit Court list of residents who have paid state poll tax, according to Const. 1902 §38. 596 (ex. sess.), 12 Ja 04
- b Va. Certificate of prepayment of poll tax to be evidence of right to vote, on transfer of voter from one locality to another: local treasurer to furnish same. 193, 15 Mr 04

142 Residence

- a N. Y. Referring to next Legislature amendment to Const. 1894 art.2 §1 as to residence qualifications in a city comprising more than 1 county. p.1935, 14 Ap 04

145 Soldiers home inmates

- a Id. Submitting amendment to Const. 1889 art.6 §5: inmates of soldiers homes to be legal voters in county where home is situated. *Not properly adopted by Legislature so not submitted to people.* p.449, 11 F 03

149 Corrupt practices. Election offenses

See also 167, Offenses

150 Corrupt practices acts

All laws requiring candidates or committees to file a statement of election expenses are included under this head. These laws often include miscellaneous election offenses.

- a Mass. Amending R. L. ch.11 §297-99, 301, 305 relative to filing and inspection of statements of election expenses. Repealing §300. 375, 25 My 04
- b Mass. Amending R. L. ch.11 §285, 287-88 relating to expenses of candidates for public office. 380, 25 My 04

151 Corruption and miscellaneous offenses

- a Mass. Employees of manufacturing, mechanical or mercantile establishments to be allowed 2 hours leave of absence after opening of polls *on application during such period*. Amending R. L. ch.11 §5. 334, 13 My 04
- b Mass. Defining penalties for corrupt practices in elections not specially determined by law. Amending R. L. ch.11 §420. 375, 25 My 04
- c N. Y. Amending liquor law '96 ch.112 §31 subdiv.c restricting sales on election days; special election for legislative office within city excepted. 205, 4 Ap 04
- d S. C. Unlawful to sell or give liquor on election day; penalty. 231, 20 F 04

Nominations

153-60

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153

Bribery

See also 250, Crimes against the government

- a Va. Amending C. §3853 relating to bribery of voters at election: fine of \$100-\$1000 [formerly \$20-\$100] or imprisonment in jail from 1-12 months. 551 (ex. sess.), 2 Ja 04

155

Illegal voting

- a Mass. Penalty for attempt to register or vote illegally. Amending R. L. ch.11 §385, 390. 310, 9 My 04

160

Nominations. Parties

- a Ala. General primary election law. 10p. p.356, 1 O 03
- b La. Unlawful for party committees to meet sooner than 120 days prior to election: fixing time of meeting of state and local committees; secretary of state to reject nominations in violation of act. 115, 5 Jl 04
- c Mass. Provisions of '03 ch.454 requiring joint caucuses for all political parties must be submitted to vote of annual town meeting. 41, 5 F 04
- d Mass. Regulating appointment of caucus officers by city and town committees, preliminary to holding political caucus for election of delegates to national convention. 179, 23 Mr 04
- e Mass. Amending R. L. ch.11 §119 relative to manner of voting for ward committees. 201, 31 Mr 04
- f Mass. Cities may adopt provisions of '03 ch.454, providing for joint caucuses or primaries of political and municipal parties, at any state or city election; regulations. 377, 25 My 04
- g Miss. Generally amending '02 ch.66, §3, 5, 9-10, 12, 22 regulating primary elections: candidate without opposition to be declared nominee; appointment of precinct officers. 129, 9 Mr 04
- h N. J. Amending '03 ch.248 §2, 4, 7, 16, 17, 20 relative to primary elections: selection of delegates from wards, township or borough without wards [formerly election district]. 241, 5 Ap 04
- i O. Amending R. S. §2916-19, 2921-21a relating to conduct of party primary elections. p.439, 26 Ap 04
- j Or. Providing for direct primary elections law. 48p. Proposed by initiative petition and adopted June 6, 1904.
- k Wis. Providing for party nominations by direct vote; exceptions; nomination papers for state office or United States senator to be signed by 1% of party vote in state at last presidential election, for congressional representative, by 2% of vote in district, 3% of district vote for offices of lesser area, 2% of state vote for nonpartizan candidates; conduct of primaries; registration; voting; State Board of Canvassers to serve for primaries; party committees and platform. Adopted November 1904. 451, 23 My 03

CONSTITUTIONAL LAW ELECTIONS

163 Certificates. Vacancies. Filing of nominations

- a N. J. Amending '98 ch.139 §42 as to time for filing certificates of nominations and petitions. 242, 5 Ap 04
- b N. Y. Amending election law, '96 ch.909 §61 as to publication of nominations for *other than town offices*. 74, 18 Mr 04

166 Nomination papers. Independent nominations

- a Mass. Amending R. L. ch.11 §109 prescribing form of nomination papers. 275, 30 Ap 04

167 Offenses

See also 149, Corrupt practices

- a Ga. Misdemeanor to buy or sell vote at primary election. p.97, 13 Ag 04
- b O. Defining and punishing certain offenses at primary elections and nominating conventions. p.107, 20 Ap 04

170 Districts. Notices. Days

171 Days. Hours

- a Ia. Submitting amendment to Const. 1857 art.12 by adding §16: general elections to be held in November 1906 and *biennially* [formerly annually] thereafter. *Adopted November 1904*. p.207, 7 Mr 04
- b N. Y. Villages under 3000 by special vote may hold annual election any Tuesday in June; exception. Amending village law '99 ch.414 §55. 231, 5 Ap 04
- c O. Judicial and public officials previously elected in April to be elected in *November*; beginning of term of office; provision for election of school boards and directors on same day. Amending R. S. §483, 567, 581, 1442, '02 p.20 §222-23 (ex. sess.). p.37, 17 Mr 04
- d O. Submitting amendment to Const. 1851 by adding art.17: elections of state and county officers to be held Tuesday after first Monday in November in even years; of other elective officers, in odd years. *Vote November 1905*. p.640, 18 Mr 04

174 Ballots. Voting

175 General. Ballot reform

- a Ky. Submitting amendment to Const. 1891 §147: elections by people to be *viva voce* [formerly by secret official ballot]; election officers to make public record according to direction of voter. *Vote November 1905*. 30, 14 Je 04
- b Md. Amending C. art.33 §50, 114A relative to form of ballots and instructions given to voters: 17 counties excepted. 339, 12 Ap 04

177 Ballot boxes

- a N. Y. Amending election law '96 ch.909 §16, 86 providing for ballot boxes to be used at town elections. 733, 14 My 04

Registration. Election officers

187-98

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187

Registration

- a Ky. Extending to cities of 5th and 6th class provisions of '92 ch.65 art.4 §1, 3 relating to registration: duplicate certificates. 6, 11 F 04
- b Va. Person denied registration may appeal to Circuit Court or Corporation Court of city on presenting petition within 10 days; procedure. 327 (ex. sess.), 28 N 03
- c Va. Generally amending C. ch.8 relating to registration. Repealing §63, 66. 346 (ex. sess.), 8 D 03
- d Va. Provision for revision of registration books on change of ward boundaries. Amending '03 ch.112 (ex. sess.). 131, 12 Mr 04

189

Days. Hours

- a Md. County boards of registry to make new general registration in 1906 [formerly 1896] and at intervals of 8 years, prior to each alternate presidential election. Amending C. art.33 §25. 254, 12 Ap 04
- b Miss. City authorities may fix days for registration of voters. Amending Ann. C. '92 §3029. 158, 22 Mr 04

190

Lists. Transfers

- a La. Each parish registrar to file list of voters as *permanent registration roll* [formerly new registration to be made every year in which general election was held]. Amending '98 ch.199 §2. 118, 5 Jl 04
- b Va. Providing for preservation of permanent registration rolls prepared by county boards of registration appointed by constitutional convention of 1901, also for transfer of voters on said rolls. 326 (ex. sess.), 28 N 03

192

Election officers

- a Ia. Providing for payment of special policemen at elections. Amending C. §1129. 39, 31 Mr 04
- b Ky. Circuit Court clerk of county containing no city of 2d class to act on Board of Election Commissioners, with powers of sheriff. Amending '00 ch.5 §2 (ex. sess.). 93, 22 Mr 04
- c N. J. Amending '98 ch.139 §15, 17 relating to district boards of registry and election: date of appointment; term of office. 235, 5 Ap 04
- d N. Y. Amending election law, '96 ch.909 §12 as to removal of election officers in cities of 250,000. 70, 17 Mr 04
- e N. Y. Amending election law '96 ch.909 §14 as to supplying vacancies and absences of election district officers. 487, 28 Ap 04
- f O. Amending R. S. §2926b as to date of appointment of members of city boards of election. p.79, 7 Ap 04

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- g Va. Repealing '03 ch.70 relating to appointment of town registrars and judges of election. 396 (ex. sess.), 10 D 03
- h Va. Repealing C. §208 requiring certificates of election to be sent to city and county electoral boards on election by Legislature. 458 (ex. sess.), 17 D 03
- i Va. Amending C. §1022 relating to appointment of town registrars and judges of election. 538 (ex. sess.), 31 D 03

194

Canvass. Contests

195

Count. Canvass. Returns

See also 192, Election officers

- a Mass. Amending R. L. ch.11 §267 regulating recount of votes cast at primaries and elections: *Boston excepted.* 293, 3 My 04

196

Contests

- a Ia. Amending C. §3656 as to time of trying appeal cases in contested elections. 122, 7 Mr 04
- b Va. Defining procedure in contested elections of state officers: governor, lieutenant governor, attorney general, *superintendent of public instruction, secretary of commonwealth, state treasurer and commissioner of agriculture and immigration.* Amending C. §157-61. 363 (ex. sess.), 10 D 03

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CRIMINAL LAW

Penal Code and Code of Criminal Procedure

202

Criminal procedure

For laws applying to both civil and criminal procedure, *see* 695, Civil procedure

203

Apprehension, prosecution, indictment

204

Apprehension

- a Va. Amending C. §3955-56 relating to issue of process of arrest: arresting officer to bring prisoner and return warrant to police justice. 529 (ex. sess.), 31 D 03
- b Va. Amending C. §3956, 3958 as to return of warrant of arrest for misdemeanor. 103, 11 Mr 04

208

Reward

- a Ky. Amending '80 ch.1590 §2 as to rewards of *peace officers* for arrest of horse thieves. 47, 21 Mr 04

209

Bail

- a Mass. Default to be recorded and *process to issue to bring defendant into court.* Amending R. L. ch.217 §35. 164, 19 Mr 04
- b N. J. Judge of Criminal Court in city of 150,000 may fix bail not exceeding \$300 for violation of city ordinances. Supplementing '94 ch.305. 170, 29 My 04

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- c **N. Y.** Bail may be taken by magistrate in county where defendant held. Amending Crim. P. §567. 202, 4 Ap 04
- d **S. C.** Person charged before magistrate may deposit sum of money in lieu of recognizance. 204, 18 F 04

211 Habeas corpus

- a **O.** Courts of county where state institution located to have jurisdiction over habeas corpus for inmate thereof. Adding §5727a to R. S. p.318, 25 Ap 04

212 Prosecutions

- a **Minn.** Submitting amendment to Const. 1857 art.1 §7: no person may be held to answer for criminal offense *without due process of law* [formerly unless indicted by grand jury, except in cases of impeachment, cases cognizable before justices of peace, or arising in army or navy or in militia in active service]. *Adopted November 1904.* 269, 18 Ap 03

213 Grand jury

- a **Ia.** Grand jury in counties over 50,000 may appoint shorthand reporter as clerk; compensation. Amending C. §5256. 138, 30 Mr 04
- b **Va.** Grand jury to consist of 9 to 12 [formerly 16 to 24] male citizens 21 to 60 years old, residents of state 2 years, county 1 year. Amending C. 3976-78. 549 (ex. sess.), 2 Ja 04
- c **Va.** Special grand jury may be ordered by Circuit or Corporation Court at *special or regular* term. Amending C. §3978. 51, 7 Mr 04

215 Criminal trials

216 General

- a **Mass.** Males and females not to be placed in same dock in police, district and municipal courts, unless accused jointly. 218, 9 Ap 04
- b **R. I.** Justices of *either* [formerly Common Pleas] *division* of Supreme Court may appoint attorneys for indigent persons and fix compensation. Amending G. L. ch.285 §66, 67. 1153, 31 Mr 04
- c **Va.** Amending '90 ch.101 relating to criminal docket of Circuit and Corporation Courts. 539 (ex. sess.), 31 D 03
- d **Va.** Amending C. ch.197 §4016, 4018, 4023, 4047-48 relating to criminal trials and procedure: judge may try case without jury, if defendant plead guilty; disqualification; change of venue. 553 (ex. sess.), 2, Ja 04

217 Change of venue

- a **Va.** Circuit or Corporation Court may order change of venue in criminal cases: motion by accused may be made in his absence by petition and acted on by judge in vacation. Amending C. §4036. 19, 15 F 04

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- b Va. Venue in criminal cases to be changed if governor called on for military protection to accused. Amending C. §4036.

190, 15 Mr 04

218

Evidence

219

General and miscellaneous

- a La. Sheriffs may serve subpoenas in criminal matters in adjoining parish; regulations; penalty. 148, 5 J1 04
- b N. Y. Bond for appearance may be required of material witness for people in criminal cases; commitment on refusal. Adding §618b to Crim. P. 437, 27 Ap 04
- c O. State's witness incriminating himself in proceedings against bucket shops or prosecution for illegal sale of liquors to be exempt from prosecution. Amending R. S. §7285. p.332, 25 Ap 04

220

Competence

- a Ala. Wife to be competent witness against husband on charge of family desertion and nonsupport. p.32, 2 F 03

224

Judgment. Sentence. Execution

225

Appeals. New trial

- a Ky. Amending Crim. C. §360 relating to appeals in criminal cases: mandate not to issue nor decision to be final till 30 days. 64, 21 Mr 04
- b Ky. Amending Crim. C. §352 as to appeals by state from verdicts of acquittal in criminal cases. 65, 21 Mr 04
- c R. I. Reasons for appeal need not be filed in criminal cases; appeal of defendant convicted for neglect of family or drunkenness to have precedence over criminal appeals in Supreme Court. Amending G. L. ch.249 §1-2, 5. 1149, 25 Mr 04
- d Va. Amending C. §4050-52 relating to writs of error in criminal cases. 403 (ex. sess.), 10 D 03
- e Va. Extending to criminal cases provisions of C. §3385 relating to bill of exceptions. 541 (ex. sess.), 31 D 03
- f Va. Amending C. §3916 as to *appeal bond* of person arrested on complaint of intentional crime. 73, 7 Mr 04

226

Expenses. Costs. Fines

- a La. Persons sentenced to imprisonment in default of payment of fine may obtain release on paying proportionate part of fine for unexpired term. 168, 5 J1 04
- b Md. Bonds taken by justice of peace and forfeited may be remitted in whole or part by governor on justice's or other recommendation. Amending C. art.41 §8. 552, 8 Ap 04
- c O. Amending R. S. §1306-7 as to payment of costs of *chief of police* in criminal cases. p.10, 5 F 04

Jury. Jurisdiction

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- d Va. Governor [formerly Legislature] may remit fines in criminal cases; exceptions; to report remissions to Legislature; procedure. Amending C. §738, 743. 385 (ex. sess.), 10 D 03
- e Va. Repealing C. §4199-4200 which defined power of governor to remit fines. 398 (ex. sess.), 10 D 03
- f Va. Repealing '03 ch.89 (ex. sess.) which prescribes cases in which governor may remit fines. 402 (ex. sess.), 10 D 03
- g Va. Providing for official receipts for fines: form; accounting; penalties for misappropriation. 124, 12 Mr 04
- h Va. Amending C. §723 relative to payment to court clerks of fines received by justices of peace. 230, 15 Mr 04

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Sentence. Execution

See also 363, System of sentencing and reform

- a Mass. Amending R. L. ch.77 §4 relative to disposition of bodies of murderers after execution: *warden of state prison* [formerly sheriff] to deliver to proper parties. 204, 2 Ap 04
- b W. Va. Amending C. ch.17 §10, 12, 16-17, relating to execution of judgments. 21, 12 Ag 04

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Jury

See also 725, Civil procedure

- a Va. Repealing '96 ch.128 which gives defendant in misdemeanor case right to waive jury trial. 522 (ex. sess.), 31 D 03
- b Va. Providing mode of selecting jurors for felony cases. Amending C. §4016, 4018. 17, 10 F 04
- c Va. Jurors for trial of felonies may be used for trial of misdemeanors and civil cases; peremptory challenge in trial of misdemeanors same as in civil cases; fee for writ of venire facias. Amending C. §4048. 82, 8 Mr 04

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Challenge

- a O. In capital cases prosecuting attorney entitled to 4 [formerly 2] peremptory challenges. Amending R. S. §7274. p.316, 25 Ap 04

233

Criminal jurisdiction

- a Va. Amending C. §4106 relating to criminal jurisdiction of police and peace justices. 389 (ex. sess.), 10 D 03
- b Va. Police justices and justices of peace to have concurrent jurisdiction with Circuit and Corporation Courts over violations of *election laws*. Amending C. §4106. 103, 11 Mr 04

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Crimes and offenses

Penalties incidental to enforcement of statutes are not duplicated here, but references to them will be found in the subject index under Penalties

- a La. Grading penalties for misdemeanors and minor offenses. 107, 7 J1 02. *Unconstitutional*. Includes larceny; embraces more

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than one subject; subject not within title. *State v. Dalcourt*, 36 S. 479 (1904).

- b Va. Amending C. §3888, 3902-3 as to punishment of certain criminal attempts and misdemeanors in cases tried by *court without jury*. 502 (ex. sess.), 31 D 03

236 Crimes against the government

238 Administration of justice

240 Contempt of court

- a Va. Writ of error to judgments for certain contempts to lie to Supreme Court of Appeals. Amending C. §4053. 403 (ex. sess.), 10 D 03
- b Va. Amending C. §3768 defining certain contempts; repealing provisions as to indirect contempts. 194, 15 Mr 04

250 Bribery

See also 153, Elections

- a Ky. Bribery of public officials punishable by imprisonment of 1 to 5 years [formerly \$200 to \$1000 fine] and loss of suffrage. Amending '93 ch.182 §228. 46, 21 Mr 04
- b O. Fixing penalty for bribery of witness. Adding §6899b to R. S. p.281, 23 Ap 04
- c Va. Amending C. §3744-45 relating to bribery of officials: punishable by imprisonment in *penitentiary* [formerly jail] of from 1 to 10 years [formerly 1]. 510 (ex. sess.), 30 D 03

252 Flags: desecration

- a N. J. Misdemeanor to mutilate or use United States or state flag for advertising purposes. Supplementing '98 ch.235. 16, 2 Mr 04
- b N. Y. Misdemeanor to deface, defy or place on merchandise for sale flag or standard of United States or New York state. 272, 24 Ap 03. *Unconstitutional* as applied to existing articles. Deprives of property without due process of law. *People v. Van de Carr*, 70 N. E. 965 (1904).

256 Crimes against public order and security

See also 870, Public order

258 Disorderly conduct

- a Md. Party guilty of disorderly conduct to be committed to county jail not exceeding 30 days in default of payment of fine and costs. Amending C. art.27 §68. 118, 18 Mr 04
- b N. J. Amending '98 ch.239 §16, 40-42 relating to commitment of disorderly persons to workhouse or county penitentiary [formerly jail or penitentiary]; sentence limited to 1 year [formerly 90 days]. 203, 30 Mr 04

260 Vagrancy

- a Ala.** Defining and punishing vagrancy. Repealing C. §5628. p.244, 22 S 03
- b Ky.** Revision of law relating to vagrancy. 55, 21 Mr 04
- c La.** Municipalities may pass ordinances against vagrancy; term defined; limitation of fines and terms of imprisonment; prosecution. 178, 7 J1 04
- d Mass.** Providing for appointment of additional member of detective department of District Police; to enforce laws relating to arrest of tramps. Amending R. L. ch.108 §1. 318, 9 My 04
- e Miss.** General vagrancy law. Repealing Ann. C. '92 §1322-25. 144, 29 F 04
- f Va.** Amending C. §884-85 and repealing §886 relating to vagrancy: vagrant to be deemed a misdemeanor; on conviction, court may suspend sentence on defendant's giving bond of \$100 to \$500 and promise of good conduct for 1 year. 548 (ex. sess.), 2 Ja 04

262 Weapons

- a Ky.** Prescribing penalty for drawing or waving deadly weapon in passenger coach. 59, 21 Mr 04
- b Md.** Amending C. art.27 §30 relative to carrying deadly weapons: fine \$1000 [formerly \$500] or imprisonment 2 years [formerly 6 months]; carrying with intent to assault. 114, 18 Mr 04

264 Crimes against public morals and the family

See also 895, Cruelty to children and animals; 929, Sunday observance

266 Abortion

- a S. C.** Providing for punishment of abortion. 354, 24 D 83. *Unconstitutional* as to §2 which provides punishment for persons advising commission of abortion. Subject not within title. *State v. Fields*, 46 S. E. 771 (1904).

270 Bastardy

- a Mass.** Minor amendment to R. L. ch.82 §1 relative to complaint for maintenance of bastard child. 159, 17 Mr 04
- b N. J.** Amending '98 ch.241 §10 as to commitment in bastardy proceedings. 35, 16 Mr 04
- c N. J.** New bond may be required of father of bastard if old sureties unsatisfactory; if discharged for inability to procure bond and subsequently able, court may order bond or commit to jail. Supplementing '98 ch.241. 222, 30 Mr 04
- d N. Y.** Defendant in bastardy proceedings to pay funeral expenses of bastard; father or mother, discharged for inability, to support when able. Amending Crim. P. §839, 850, 878. 520, 29 Ap 04

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272 Bigamy

See also 139, Suffrage

- a La. Wife or husband may be competent witness against other party in trial for bigamy. Amending '02 ch.185. 41, 25 Je 04

280 Obscene literature

- a Mass. No part [formerly one half] of fines in prosecutions for circulating obscene literature to go to complainant. Amending R. L. ch.212 §20. 120, 27 F 04
- b Miss. Amending Ann. C. '92 §1216 as to sale or distribution of obscene literature: maximum fine \$500 [formerly \$20] or imprisonment for 6 months [formerly 20 days]. 143, 22 Mr 04

286 Rape

- a Md. Assault with intent to have carnal knowledge of female under 14 punishable by 2 to 10 years imprisonment. Amending C. art.27 §16. 76, 18 Mr 04
- b S. C. Felony to assault with intent to ravish. 298, 12 Mr 04
- c Va. Deposition of female complainant in rape cases may be taken privately: attorneys for state and accused to be present and may cross-examine; if no appeal, to be destroyed. 18, 15 F 04

288 Seduction

- a N. Y. Action by father for seduction of minor daughter to survive to mother, who may recover actual and exemplary damages. Amending C. C. P. §764. 379, 26 Ap 04

292 Crimes against persons

294 Abduction

- a Va. Kidnapping for purposes of extortion punishable by *death* or by imprisonment of 8 to 18 [formerly 3 to 10] years. Amending C. §3676. 598 (ex. sess.), 12 Ja 04

296 Assault

- a Ia. Assault with intent to murder punishable by imprisonment limited to 30 [formerly 10] years. Amending C. §4768. 129, 10 F 04

308 Crimes against property

310 Arson

- a La. Penalty of 1 to 5 years' imprisonment at hard labor for burning or attempting to burn *any movable property of value*. Amending R. S. §847, '88 ch.114. 144, 6 Jl 04
- b Md. Generally amending C. art.27 §6, 7, 9, 12 and adding §12A, 291D relating to arson. 267, 12 Ap 04

312 Burglary

- a S. C. Safe-cracking made felony; life imprisonment unless jury recommends mercy. 212, 19 F 04

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318 Defrauding liverymen and hotel keepers

- a Ky. Protection of liverymen: to keep register, showing distance to be traveled and time to be used; prosecutions. 127, 26 Mr 04

320 Electric apparatus and power: water and gas mains and meters

- a Ala. Amending C. §5623 relating to injury of telegraph and telephone lines. p.399, 6 O 03; p.513, 6 O 03
- b La. Larceny to steal electricity, gas or water from wires, mains or meters. 132, 30 Mr 04
- c Md. Fixing penalty for destroying or tampering with water meters, mains, canals etc. Adding §59C-D to C. art.27. 546, 8 Ap 04
- d S. C. Misdemeanor to interfere with fire and police alarm systems. 198, 11 F 04; 227, 19 F 04
- e S. C. Misdemeanor to divert electric current or tamper with meter. 223, 20 F 04
- f S. C. Misdemeanor to interfere with electric apparatus. 255, 25 F 04

322 Embezzlement

- a Ala. Amending C. §4661 relating to embezzlement; to include certain fiduciaries. p.40, 4 F 03
- b O. Embezzlement of property over \$35 punishable by 1 to 10 years imprisonment; under \$35, by \$200 fine or 30 days imprisonment or both; [formerly punishable as for larceny of thing embezzled]. Amending R. S. §6842. p.67, 1 Ap 04

326 Injury. Trespass. Malicious mischief

See also 468, Torts; 1908, Trespass (hunters)

- a La. Misdemeanor to enter plantation [formerly also farm, pasture or orchard lands or any inclosure] without expressed or implied consent of owner. Amending R. S. §822. 76, 4 Jl 04
- b Mass. Nuts, berries or grapes, also ferns, flowers or shrubs not to be taken without owners consent: penalties. Amending R. L. ch.208 §99. 444, 8 Je 04

328 Larceny

- a La. Fixing penalties for larceny of domestic fowl or poultry at night. 133, 12 Ap 04
- b Ky. Felony to steal fowl valued at \$2. 29, 17 Mr 04
- c La. Fixing penalty for stealing or attempting to steal from person of another. 133, 5 Jl 04
- d Va. Larceny for fiduciary to remove property and refuse to disclose location thereof. Amending '98 ch.334. 223, 15 Mr 04

330 Receiving stolen goods

- a N.J. Misdemeanor to retain stolen goods *whether crime committed in or out of state*. Amending '98 ch.235 §166. 193, 29 Mr 04

332 Robbery

- a Ky. Making bank robbery or safe-blowing a felony. 43, 19 Mr 04

334 **Miscellaneous**

- a **Ia.** Amending C. 4807 providing for punishment of malicious injury to highway, bridges, electric railways, etc. 130, 30 Mr 04
- b **Ia.** Misdemeanor to wantonly injure or deface property of public libraries and reading rooms. 131, 31 Mr 04
- c **Ky.** Felony to break open box of common carrier with intent to steal. 44, 19 Mr 04
- d **Mass.** Fixing penalties for injury to personal property not covered by R. L. ch.208. 305, 6 My 04
- e **Mass.** Gratuities not to be received by or given to agents, employees or servants to influence action; penalties; witnesses not excused from testifying but exempt from prosecution therefor. 343, 14 My 04
- f **N. J.** Misdemeanor to tamper with *steam or electric* railway. Amending '98 ch.235 §76. 78, 28 Mr 04
- g **S. C.** Misdemeanor to alter teeth of horses for deception. 283, 1 Mr 04
- h **Va.** Fixing penalties for malicious removal of waste or packing from journal boxes of locomotives used on steam or electric railroads. 90, 10 Mr 04
- i **Va.** Malicious shooting or throwing of missiles at cars, or boats to be punished by 5 to 10 years' imprisonment; where act is not malicious, imprisonment 1 to 3 years, and fine \$100 to \$500. 170, 14 Mr 04

335

Corrections

See also 60, State institutions; 2140, Charities

340

Penal institutions

- a **Mass.** State Board of Prison Commissioners may prepare manual of laws relating to prisons; \$400. r.53, 21 Ap 04

341

State prisons: government and maintenance

- a **Ia.** Amending C. §5685, 5685a relating to disposition of gate receipts of state penitentiaries: Board of Control of State Institutions may use funds for lectures or entertainment of prisoners, or for use of other institutions under their control. 140, 6 Ap 04
- b **La.** Board of Control of Louisiana State Penitentiary at Baton Rouge may sell certain property in city and expend proceeds to establish manufacturing plant; report to Legislature of 1906. 156, 5 Jl 04
- c **Miss.** Amending Ann. C. '92 §3168 changing day and place of meeting of penitentiary board of control. 160, 22 Mr 04
- d **N. J.** State Prison supervisor, keeper and Board of Inspectors to constitute building commission to enlarge State Prison; regulations; expenditure limited to \$335,000. 98, 28 Mr 04

Reform schools and reformatories

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342 Prison officers

- a Ia. Amending C. §5663, 5669, 5711, 5716 providing for appointment of assistant deputy wardens for state penitentiaries. 139, 13 Ap 04
- b Ia. Penitentiary guards and turnkeys to receive salaries graded according to service. Amending C. §5716. 141, 12 Mr 04
- c Ky. Salary of penitentiary guards \$75 [formerly \$60] a month. Amending '98 ch.4 §19. 106, 24 Mr 04
- d Md. Salary of penitentiary warden \$4000 [formerly \$3000]. Amending C. art.27 §397. 469, 8 Ap 04
- e N. Y. Abolishing position of keeper in the several state prisons and creating that of guard; salary graded according to length of service. Amending R. S. pt4 ch.3 t.2 §30, 34, '89 ch.382. 709, 11 My 04
- f Wash. Submitting amendment to Const. 1889 art.1 §11: Legislature may appoint chaplains for state penal and reformatory institutions. *Adopted November 1904.* 147, 16 Mr 03
- g W. Va. Amending C. ch.163 §10 providing for appointment of penitentiary guards. 20, 12 Ag 04

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Reform schools and reformatories

345 Institutions for women and girls

- a Ia. Amending '00 ch.101 §1 as to support of Industrial School for Girls at Mitchellville. 143, 9 Ap 04
- b N. J. Continuing commission appointed in 1903 to report on advisability of state reformatory for women: to report also on number of women committed to correctional institutions by judges or probation officers, also as to work required of women in penal institutions. p.510, 28 Mr 04
- c N. Y. Amending state charities law '96 ch.546 §142 relating to managing boards of houses of refuge and reformatories for women controlled by state: board of managers to constitute board of parole: to parole and discharge inmates. 165, 28 Mr 04
- d N. Y. Women of 15 to 30 convicted of *vagrancy* may be committed to House of Refuge at Hudson, House of Refuge at Albion or *State Reformatory for Women at Bedford*: term *limited to 3 years*; *transfers of inmates*. Amending state charities law '96 ch.546 §146, and adding §147a. 169, 28 Mr 04
- e N. Y. All *female* children under 12 convicted of felony, or from 12 to 16 of misdemeanor, not sentenced to state prison, to be confined in *New York State Training School for Girls* [formerly *Western House of Refuge for Juvenile Delinquents*] when convicted outside of 1st, 2d and 3d judicial districts. Amending Pen. C. §701. 388, 26 Ap 04

- f **N. Y.** Amending state charities law '96 ch.546 §140 subdiv.1 relative to commitments to Western House of Refuge for Women at Albion, and New York Reformatory for Women at Bedford; reorganization of House of Refuge for Women at Hudson and change of name to New York State Training School for Girls; commitment; employment; discharge. Adding §131-39c. 453, 28 Ap 04
- g **O.** Girls may be detained in Girls Industrial Home at Rathbone till 21 [formerly 18] years. Amending R. S. §773. p.259, 23 Ap 04
- 346 Reform schools**
- a **La.** Establishing State Reform School for reception of male convicts under 18, not guilty of capital offenses; managing board of 3 commissioners to be appointed by governor with consent of Senate; annual report to governor. 173, 5 Jl 04
- b **N. Y.** State Industrial School at Rochester and House of Refuge for Juvenile Delinquents of New York city to receive all *male* children under 16 committed as vagrants or for any criminal offense; transfers of inmates. Amending state charities law '96 ch.546 §120-21, 124-29. 167, 28 Mr 04
- c **N. Y.** *Male* juvenile delinquents may be sentenced to State Industrial School at Rochester; regulations. Amending '93 ch.470 §3. 221, 4 Ap 04
- d **N. Y.** All *male* children under 12 convicted of felony, or from 12 to 16 of misdemeanor not sentenced to state prison to be confined in *State Industrial School* [formerly Western House of Refuge for Juvenile Delinquents] when convicted outside of 1st, 2d and 3d judicial districts. Amending Pen. C. §701. 388, 26 Ap 04
- e **N. Y.** Designating commission to select site for New York State Training School for Boys, within 50 miles of New York city on abandonment of House of Refuge for Juvenile Delinquents on Randall's island; report to Legislature of 1905. 718, 11 My 04
- f **O.** Trustees of Boys Industrial School near Lancaster may parole inmates subject to recall for violation of parole. Adding §757b to R. S. p.23, 2 Mr 04
- g **W. Va.** Amending C. ch.45 §98d subsec.2, 6, 16 relating to West Virginia Reform School: board of directors; commitment fees; per capita appropriation for support; tax apportionment. Adding §17-19. 22, 12 Ag 04
- 347 Reformatories**
- a **Mass.** Officers from jails and houses of correction may be transferred as watchmen to *temporary industrial camp for prisoners*. Amending R. L. ch.225 §10. 214, 9 Ap 04
- b **Mass.** Regulation of temporary industrial camp for prisoners: State Highway Commission and State Board of Agriculture to

furnish information as to work; parole; escapes; prisoners' aid.
 Repealing R. L. 225 §66. 243, 20 Ap 04

- c O. Superintendent of Ohio State Reformatory may expend 50% of gross receipts of earnings of inmates to establish manual training schools; monthly reports by superintendent to auditor of state. Amending R. S. §7388 subdiv.25. p.82, 15 Ap 04

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Local institutions

349 County and township jails and workhouses

- a Mass. Repealing R. L. ch.224 §34-37 relative to recovery of sums expended for support of county convicts. 211, 9 Ap 04
- b N. Y. Book containing record of commitments to county jails *to be public record*. Amending county law '92 ch.686 §95. 83, 18 Mr 04
- c O. Sheriffs *may* [formerly shall] appoint *not exceeding* 3 jail matrons in *any* [formerly Cuyahoga] county; salary *limited to* \$60 a month; to have care of *insane*, also women and minors. Amending R. S. §7388a-c. p.86, 15 Ap 04
- d O. Amending R. S. §1536 subdiv.377 providing for joint erection of workhouse by county commissioners and city or village authorities: organization of joint board of managers. Repealing '86 p.265. p.448, 26 Ap 04
- e O. Any board authorized to manage workhouse may regulate discharge, *parole and recommitment* of prisoners. Amending R. S. §1536 subdiv.373. p.488, 26 Ap 04
- f Va. Amending C. §927, 929-30, 934 relative to county jails. 410 (ex. sess.), 10 D 03

350 Municipal jails. Police matrons

- a N. Y. Town board may lease house of detention or lockup. Amending town law '90 ch.569 §192. 68, 11 Mr 04

352

Convicts (commitment, management)

353

Commitment. Discipline. Transportation

- a Ia. Five years' imprisonment in penitentiary for bringing or attempting to bring into state reformatory or penal institutions narcotics, liquors, weapons or articles to aid escape. 134, 7 Mr 04
- b O. Governor on application of superintendent of Boys Industrial School near Lancaster may transfer inmates over 16 years to Ohio State Reformatory at Mansfield in certain cases. Adding §761a to R. S. p.24, 2 Mr 04; p.522, 2 Mr 04
- c O. Misdemeanor to convey to persons in penitentiaries, jails or other place of lawful confinement liquors or certain narcotic drugs. Amending R. S. §6902. p.120, 20 Ap 04
- d O. Officer transporting boy to Boys Industrial School to receive 5c mileage each way. Amending R. S. §759. p.319, 25 Ap 04

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Convict labor

355

General state account system

- a Ala. Defendant charged with misdemeanor [formerly or felony other than capital] may elect to perform hard labor; if acquitted to receive payment. Amending C. §5239. p.239, 18 S 03
- b Va. Convicts may be used for certain work on state capitol: regulations. 232, 15 Mr 04

356

Contract and lease system

- a Ga. Prison commission may contract for labor of male convicts unemployed at State Farm; funds to be paid into state treasury. p.763, 13 Ag 04

357

County and municipal convicts

- a La. Police juries of respective parishes may hire out prisoners in parish jail to work on public works or farms and may also regulate care, detention and compensation; contracts. 191, 7 J1 04
- b Va. Amending C. §3932-33 relating to establishment and regulation of county chain gangs: corporal punishment. 485 (ex. sess.), 24 D 03

360

Special industries

- a Ala. State Board of Convict Inspectors may employ convicts in mining coal. p.86, 26 F 03
- b Ala. State Board of Convict Inspectors on approval of governor may sell agricultural lands worked by convicts and buy others. p.393, 6 O 03

361

Criminal insane

- a Ga. Insane convicts to be cared for at State Farm during remainder of sentence or till recovery; proviso. p.107, 12 Ag 04
- b Mass. Persons under indictment may be committed to insane asylum for investigation as to mental condition. Amending R. L. ch.219 §11, 12. 257, 25 Ap 04
- c N. Y. State Commission in Lunacy may transfer certain insane convicts and previous insane inmates of penal institutions manifesting criminal tendencies to Matteawan State Hospital. Amending insanity law '96 ch.545 §90, 97, 101. 525, 29 Ap 04

363 System of sentencing and reform. Parole. Pardon

- a Ia. Joint legislative committee of 3 members to investigate working of indeterminate sentence and Elmira Reformatory systems; report to Legislature of 1906; \$500. p.211, 12 Ap 04
- b Mass. Amending R. L. ch.220 §16 relative to sentencing of female convicts to hard labor: repealing provision which related to term of imprisonment. 224, 11 Ap 04

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- c** **N. J.** Discretionary power given to police justice as to penalty within maximum limit prescribed by city ordinance. 145, 28 Mr 04
- 367 Discharge**
 - a** **Ala.** Amending C. §4551 as to furnishing transportation to discharged convicts. p.404, 6 O 03
 - b** **Va.** Amending C. §4147 as to free transportation furnished convicts on discharge. 391 (ex. sess.), 10 D 03
- 368 Habitual criminals**
 - a** **Mass.** Amending R. L. ch.220 §21 relative to habitual criminals: on third conviction to be sentenced to *maximum term* [formerly 25 years] *for crime of which convicted*. 303, 6 My 04
- 369 Identification. Records**
 - a** **Mass.** Felons must, and tramps or vagrants under sentence may be measured by state or county officer according to Bertillon system. Amending R. L. ch.225 §18. 241, 16 Ap 04
- 370 Indeterminate sentence**
 - a** **Kan.** Providing for indeterminate sentences to state penitentiary. 375, 13 Mr 03. *Unconstitutional* as to one convicted before passage of act. Ex post facto legislation. *State v. Tyree*, 77 P. 290 (1904).
- 371 Juvenile offenders. Juvenile courts**
 - See also* 346, Reform schools; 374, Probation; 2172, Children
 - a** **Ia.** District Court to have exclusive jurisdiction of all dependent, neglected and delinquent children under 16; appointment of probation officers to serve without pay; place of detention for child awaiting trial to be furnished by city or county; no child under 17 to be detained in jail; commitment to institution of same religious belief; Board of Charities to have supervision of institutions receiving juveniles; annual reports by District Court and juvenile institutions to board. 11, 7 Ap 04
 - b** **Md.** Female minors may be committed to juvenile institutions till 21 [formerly 18]. Amending C. art.42 §18. 98, 18 Mr 04
 - c** **Md.** Amending C. art.42 §18 relating to procedure in commitment of minors to juvenile institutions: commitment allowed where home environment is vicious and depraved; females to be committed to 21 [formerly 18] years. 291, 7 Ap 04
 - d** **O.** Establishing juvenile court and probation system: court to have original jurisdiction of dependent, neglected and delinquent children under 16; appointment of paid probation officers; no child under 12 to be detained in jail; place of detention to be furnished by city or county; commitment to institution of same religious belief; Board of Charities to have supervision of institutions receiving children; annual report of institutions to board. p.561, 5 My 04

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- c Va. Minors under 18 charged with crime, vagrancy, disorderliness, or incorrigibility may be committed till majority to custody of Prison Association of Virginia; powers; release or pardon by governor. 60, 8 Mr 04
- 372 Parole
- a Mass. Amending R. L. ch.85 §39 relative to release on permit of prisoners resentenced to State Farm. 216, 9 Ap 04
- b Va. Amending '98 ch.685, '03 ch.192 (ex. sess.) relating to conditions of parole: *board of directors of penitentiary* [formerly governor on petition of convict] may parole, if employment assured; parole of convicts sentenced on 2 or more convictions. 68, 7 Mr 04
- 374 Probation
- See also 371, Juvenile offenders*
- a N. J. Probation officers may arrest on sight person violating terms of probation; certificate of former, sufficient warrant for detention till court hearing; sentence or recommitment to probation officer; no sentence for offense 3 years after original conviction. Supplementing '00 ch.102. 132, 28 Mr 04

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CIVIL LAW

Civil Code and Code of Civil Procedure

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Property

See also 490, Family property

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Real property

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General. Titles

See also 741, Special actions

- a N. Y. Rural residences with appurtenance of 100 acres may be registered under designation with secretary of state; filing and fee. 702, 11 My 04

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Eminent domain. Condemnation proceedings

See also 1297, Railways; 1416, Telegraph and telephone; 2026, Mines; 2554, Local improvements; 2649, Water; 2663, Sewerage

- a Ala. Amending C. §1713-14, 1717-20 relating to condemnation proceedings: several owners to have separate hearings; land subject to public use not to be taken unless necessary; appeals; bonds. p.374, 1 O 03
- b Ill. Extending right of condemnation to public mills and machinery other than gristmills, and providing regulations for conduct of such mills. p.563, 22 Mr 72. *Unconstitutional* in so far as authorizes taking of private property for such purposes. Private property not to be taken for other than public purposes. *Gaylord v. Sanitary Dist. of Chicago*, 68 N. E. 522 (1903).

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- c** **Ia.** State may condemn land for state buildings on approval of Executive Council; damages. 71, 13 Mr 04
 - d** **Mass.** State or local governments may tender payment for property taken by eminent domain; may be taken in full or pro tanto satisfaction. 317, 9 My 04
 - e** **Mass.** General act regulating eminent domain by state or cities for public highways, squares, parks, playgrounds. 443, 8 Je 04
 - f** **O.** Amending R. S. §6437 as to time for filing bill of exceptions and petition in error in condemnation proceedings by corporation. p.44, 21 Mr 04
 - g** **Va.** Amending '03 ch.270 pt3 §2 subdiv.f (ex. sess.) relating to condemnation proceedings by telephone, telegraph, canal and turn-pike corporations. 543 (ex. sess.), 31 D 03
 - h** **Va.** General law regulating eminent domain. 9p. 608 (ex. sess.), 18 Ja 04
- 383** **Escheat**
 - a** **Va.** Amending C. §2386 as to costs of publication of escheator's certificate. 375 (ex. sess.), 10 D 03
- 384** **Estates in lands**
 - a** **Md.** Estate to which particular estate pertains may be mortgaged on application to Chancery Court, if other parties inbeing be joined; mortgage to bind all parties inbeing or not; procedure. Adding §198A to C. art.16. 563, 8 Ap 04
 - b** **N. J.** Remainder-man may apply for receiver if particular tenant neglects to maintain estate or to pay taxes; procedure; powers of receiver; reinstatement of tenant. 182, 29 Mr 04
- 385** **Partition**
 - a** **Md.** Verbal amendment to C. art.16 §116, relating to partition proceedings. 535, 8 Ap 04
 - b** **O.** Amending R. S. §5761 relating to amicable partition of real estate. p.287, 23 Ap 04
 - c** **Va.** Amending C. §2562 as to jurisdiction of partition of lands between tenants in common, joint tenants and coparceners. 521 (ex. sess.), 31 D 03
- 386** **Property lines**
 - a** **O.** Damage to adjoining buildings by excavation below curb or established grade of street to be recovered by civil action against owner or possessor of land. Amending R. S. §2676-77. p.323, 25 Ap 04
- 387** **Fences. Lawful fences**
 - a** **N. J.** City authorities may regulate fences between lands; compensation for damages. 144, 28 Mr 04
 - b** **O.** Generally amending R. S. pt2 t.5 ch.3 relating to partition fences. p.138, 21 Ap 04

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- c Va. Amending C. §2048 as to change of fence law by board of supervisors. 540 (ex. sess.), 31 D 03
- 388 Wire fences
- a Ga. Amending C. §1764 defining lawful wire fence. p.64, 12 Ag 04

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- a La. Providing method by which industrial plants may become immovable by destination and form part of such real estate for purposes of mortgage and sale only. 30, 23 Je 04; 187, 7 J1 04
- b N. J. Conveyance made by sheriff or other officer in attachment need not be acknowledged; valid if property indorsed and recorded. Amending '98 ch.232 §52. 43, 22 Mr 04

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- a N. J. Lack of seal not to void various deeds and instruments provided attestation and acknowledgment or proof recite sealing and signing; corporations excepted. Supplementing '98 ch.232. 89, 28 Mr 04
- b N. Y. Acknowledgment and proofs of conveyance of real estate without the United States *may be made by secretary of legation*. Amending real property law '96 ch.547 §250 subdiv.2, 7 §257. 528, 29 Ap 04
- c N. Y. Acknowledgment or proof of conveyance of real estate may be made *in Germany*. Adding subdiv.8 to real property law '96 ch.547 §250. 690, 9 My 04
- d O. Extending power to take acknowledgments of deeds to various consular officers of United States. Amending R. S. §4111. p.171, 22 Ap 04
- e Va. Repealing '88 ch.351 authorizing circuit clerks to take acknowledgments of deeds and writings. 431 (ex. sess.), 12 D 03
- f Va. Certificates of acknowledgment of writings made in *territory or dependency* of United States to be admitted to record; form. Amending C. §2501. 486 (ex. sess.), 24 D 03

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- a Ga. Extending term of commission on registration of land titles, appointed in 1903; report to Legislature of 1905. p.758, 3 Ag 04
- b Ky. Source of title must be given in deed to authorize recording; penalties. Amending '93 ch.186 §6. 67, 21 Mr 04
- c Mass. Fixing salaries of registers of deeds and assistant registers: classification based on yearly receipts of registry; maximum

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- salary \$5000; readjustment every 5 years. Repealing R. L. ch.22 §32. 452, 9 Je 04
- d N. J. Exact time of filing of deeds, judgments, liens and other papers to be recorded. 117, 28 Mr 04
- e Va. Amending C. §2505 as to record of conveyances by fiduciaries. 380 (ex. sess.), 10 D 03
- f Va. Deeds or other writings may be recorded according to C. §2501 by clerk or deputy of Corporation Court of City or Circuit Court of County [formerly by court of county or corporation]. Amending C. §2500. 205, 15 Mr 04
- 397 Abstracts
- a Ky. Abstract or title of land not to be certified by county clerk or other official if party in possession claims through title adverse to that in abstract or if two or more patents issued for same land; penalties. 92, 22 Mr 04
- 398 Torrens system
- a La. Commission consisting of 5 members to be appointed by governor to investigate Torrens system of land registration; report to governor by July 1905. 88, 4 Jl 04
- b Mass. Salary of associate judge of land registration, \$4500 [formerly \$4000]. Amending R. L. ch.128 §12. 386, 31 My 04
- c Mass. Changing name of Court of Land Registration to Land Court; transferring certain jurisdiction thereto from Superior Court; procedure. Amending '00 ch.354. 448, 9 Je 04

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- a Mass. Misdemeanor to perform or represent publicly unpublished and undedicated dramatic or musical composition without consent of proprietor. 183, 29 Mr 04

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- a Ala. Minor amendment to C. §1068 relating to payment of vendor's lien. p.164, 5 Mr 03

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- a N. Y. Amending C. C. P. §2398 as to recording affidavits in foreclosure proceedings. 679, 9 My 04

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- a Ga. Providing for appointment of trustees for bondholders in certain cases. p.99, 13 Ag 04

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- a Va. Amending C. §2935 as to recording extension of limitation for enforcement of trust deeds and mortgages. 158, 14 Mr 04

411 Record

- a Ala. Minor amendments to '99 p.26 §1 relating to entry of mortgage payments. p.423, 10 O 03

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- a Ga. Regulating business of loans on personal property. p.79, 15 Ag 04

415 Conditional sales

- a N. Y. Amending lien law '97 ch.418 §115 as to conditional sale of *electric motors*. 259, 8 Ap 04
- b N. Y. Amending lien law '97 ch.418 §112-15 as to conditional sale of chattels attached to building; to be void against purchaser or *encumbrancer in good faith* unless contract recorded with register; refiling; discharge. 698, 9 My 04
- c Va. Providing for record of release of conditional contracts of sale under C. §2462; penalty for failure of vendor to record. 562 (ex. sess.), 2 Ja 04; 244, 15 Mr 04
- d Va. Procedure for enforcement of lien in conditional sales. Amending C. §2462. 54, 8 Mr 04

418 Mechanics liens; labor and materials

419 General

- a Kan. Allowing successful plaintiff in action on mechanics lien reasonable attorney's fee. G. S. '01 §5125. *Unconstitutional*. Denies equal protection of laws. *Atkinson v. Woodmansee*, 74, p.640 (1903).
- b Miss. Suit to enforce mechanics and material men's lien to be begun within 12 [formerly 6] months. Amending Ann. C. '92 §2702. 152, 3 Mr 04
- c Miss. Amending Ann. C. '92 §2714 relating to contractor's lien for labor or materials: judgment to be lien from date of notice of owner. 153, 22 Mr 04
- d O. Generally amending R. S. pt2 t.1 div.2 ch.4 relating to mechanics, laborers and material men's liens. p.499, 27 Ap 04

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- a Md. Amending '92 ch.419 §3 as to filing of lien by owner of stallion: defining procedure. Adding §3A-B. 54, 9 Mr 04
- b Mass. Contractors for public works to give security for payment for labor and materials. 349, 19 My 04

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- c **Mass.** Lien for materials and labor furnished contractor for construction of street railway; statement of debt to be filed within 30 days of performance and action to be begun within 60. Adding §101-5 to R. L. ch.112. 373, 23 My 04
- d **N. Y.** Amending lien law '97 ch.418 §32 as to liens on vessels on *western and northwestern lakes and river St Lawrence*. 246, 8 Ap 04
- e **N. Y.** Lien for service of stallion to be filed within *15 months* [formerly 1 year]. Amending lien law '97 ch.418 §60 261, 8 Ap 04
- f **Or.** Amending Ann. C. & S. §4322-23 as to contents of lien for stallion service and as to procedure for enforcing same. p.14, 23 D 03
- g **Va.** Amending C. §2485 as to lien for supplies furnished transportation companies: *lien of traveling representatives*. 395 (ex. sess.), 10 D 03

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- a **Ala.** Crop rents to mature *Nov. 15* [formerly Dec. 25] of year in which crop grown. Amending C. §2704. p.273, 26 S 03
- b **Md.** Leases for 7 years or less terminated by fire or unavoidable accident if premises rendered untenable. Adding §26A to C. art.53. 286, 7 Ap 04
- c **Md.** *Typewriter* to be exempt from distress for rent. Amending C. art.53 §17. 568, 8 Ap 04
- d **Md.** Amending C. art.53 §8 as to oath of *nonresident landlord or agent* making distress for rent within state. 575, 12 Ap 04
- e **Neb.** Defining when tenant shall be deemed holding over his term. p.43, 25 F 75. *Unconstitutional*. Amendment not within subject of original section amended. *Preston v. Stover*, 97 N. W. 812 (1903).
- f **Va.** Tenancy from month to month terminable by either party on 30 days notice in writing; monthly tenant to pay arrears within 10 days; yearly tenant within 1 month. Amending C. §2785-86. 369 (ex. sess.), 10 D 03
- g **Va.** Distress for rent may be made under warrant from justice or *clerk of Circuit or Corporation Court*. Amending C. §2790. 429 (ex. sess.), 12 D 03
- h **Va.** Amending C. §2716 as to ejectment of tenant under *1 year* [formerly 1 month] lease. 211, 15 Mr 04

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- a **Ia.** Amending C. §3276, 3279 relating to rights of posthumous children unmentioned in will. 120, 7 Ap 04

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- b N. Y. Estate of intestate to descend to grandparents, if no uncles or aunts or their descendants to take. Amending real property law '96 ch.547 §288. 106, 22 Mr 04

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- a O. Record of real estate devised by will to be made by county and recorded on receipt of certified copy of will from probate judge; fees. Amending R. S. §5930. p.394, 25 Ap 04
- b Va. Generally amending C. ch.119 vesting clerk of court with certain powers over probate of will and administration of estates. 378 (ex. sess.), 10 D 03

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- a Ala. Judge of probate to keep index of instruments filed. p.397, 6 O 03
- b Mass. Amending R. L. ch.164 §5, 7 as to incapacity of judge of probate and insolvency; compensation of judge sitting in his stead. 401, 2 Je 04
- c Mass. Salaries of judges, registers and assistant registers of probate fixed according to county classification. Repealing R. L. ch.164 §27. 455, 9 Je 04
- d N. Y. Amending C. C. P. §2513 as to compensation of Surrogate Court stenographer. 59, 9 Mr 04
- e N. Y. Amending C. C. P. §2567 subdiv.2 as to certain fees of surrogate. 137, 28 Mr 04
- f N. Y. Amending county law '92 ch.686 §237 as to fee of surrogate's clerk for recording official bonds. 461, 28 Ap 04
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- a Va. Vesting clerks of courts with certain jurisdiction over probate and recording of wills. Amending C. §2533-34, 2538, 2547. 438 (ex. sess.), 12 D 03
- b Va. *Corporation* and Circuit Courts to have jurisdiction over probate of wills. Amending C. §2533. 108, 12 Mr 04

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Administrators and executors

- a N. D. Providing for special administrator in cases where death of owner of estate not satisfactorily proved, but whose disappear-

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ance affords reasonable grounds for believing him dead. R. C. §6325 subdiv.2. *Unconstitutional* so far as affects property of living persons: deprives of property without due process of law. *Clapp v. Hough*, 98 N. W. 710 (1904).

- b O. Trustee to be appointed of property within state of person so long unheard of as to be deemed dead; procedure. p.23, 23 F 04

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- a Ala. Claims of infants or insane persons against estate to be filed 6 [formerly 9] months after appointment of guardian or removal of disability. Amending C. §307. p.78, 26 F 03
- b Mass. Amending R. L. ch.141 §2 relative to payment of debts of estates: executor or administrator to pay doubtful debts under approval of Probate Court, if no notice within 1 year of insolvency of estate. 165, 19 Mr 04
- c Mass. Amending R. L. ch.144 §4 and repealing '02 ch.544 §20 relative to settlement of absentee's estate. 206, 2 Ap 04
- d Mass. Administrator of intestate may sell realty for purposes of distribution [formerly sale limited to realty over \$1500]. Amending R. L. ch.146 §18. 217, 9 Ap 04
- e Mass. Amending R. L. ch.143 §2 as to distribution of personal estate of deceased nonresidents. 360, 20 My 04
- f N. J. Amending '99 ch.156 relating to disposition of balance in hands of executor. 50, 22 Mr 04
- g N. J. Amending '03 ch.92 §1 relating to sale of land by substituted administrator when administrator *in whose name application for sale is pending* has died or *been removed*. 57, 22 Mr 04
- h N. J. Application to Orphans Court for fulfilment of decedent's contract for sale or purchase of land to be made within 5 years *unless contract such that performance impossible within such period*. Amending '98 ch.234 §154. 167, 29 Mr 04
- i N. Y. Creditor of estate to present claim to surrogate within 3 months of citation served by petition of executor or administrator; barring of suit. Adding §2718a to C. C. P. 386, 26 Ap 04
- j N. Y. *Funeral expenses* may be paid from amount recovered in action for death from negligence. Amending C. C. P. §1903. 515, 29 Ap 04
- k N. Y. Transfer or mortgage of interest in decedent's estate to be recorded with surrogate or county clerk: if unrecorded, to be void against subsequent bona fide taker. 692, 9 My 04
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- p **Va.** Assets in hands of personal representative of decedent to be applied first to payment of physicians and *nurses*. Amending C. §2660 subdiv.1 and repealing subdiv.4 as to debts of husband to wife. 437 (ex. sess.), 12 D 03

- q **Va.** Amending C. §2690 relative to receiving proof of debts of decedent by commissioner of accounts. 72, 7 Mr 04

- r **Va.** Repealing C. §2708 as to posting of order to compel creditors of decedent to show cause against distribution of estate. 161, 14 Mr 04

- s **W. Va.** Amending C. ch.85 §12 relating to appraisal of real and personal property of deceased person. 7, 12 Ag 04

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- a **Ala.** Amending C. §2388 relating to funds of minor or insane person. p.56, 16 F 03

- b **Miss.** Parent guardian of foreign minor may exercise powers of foreign guardian on filing with chancery clerk certificate of residence. Amending Ann. C. '92 §2211. 149, 1 Mr 04

- c **Va.** Clerk of Circuit Court may appoint guardian of minor and receive bond. Amending C. §2599-602. 552 (ex. sess.), 2 Ja 04; 188, 15 Mr 04

- d **Va.** Amending C. §2434, 2618 relative to appointment of guardian ad litem and to taking of depositions in proceedings for sale or lease of lands of persons under disabilities. 75, 7 Mr 04

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- a **N. J.** Amending '97 ch.63 §6 relating to exercise of certain powers by guardian of insane. 44, 22 Mr 04

- b **N. Y.** Petition for committee for incompetent person who is inmate of state institution may be presented to court of county of residence, or of commitment. Amending C. C. P. §2323a. 509, 29 Ap 04

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- a **Ala.** Sale of land by tenants in common where one minor or insane; court proceedings; certificate; guardian's powers. p.420, 12 O 03

- b **N. J.** Amending '03 ch.152 §2 as to raising of money on real estate for rebuilding property of minors, insane etc. destroyed by fire; repealing restriction on use of insurance money. 19, 7 Mr 04

- c **N. J.** When guardian grantee of realty from executor or trustee, may sell same without court order. 26, 7 Mr 04

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- d N. J. Property of persons under disabilities may be sold at private sale for payment of mortgage, subject to confirmation of chancellor. 46, 22 Mr 04
- e O. Guardians of minors may lease coal lands; procedure. p.312, 23 Ap 04
- f Va. Amending C. §2629 as to petition of foreign guardian or committee of nonresident minor or insane person for transfer of property within state. 376 (ex. sess.), 10 D 03
- g Va. Miscellaneous amendments to C. §2616, 2620-22, 2625 relating to leasing and sale of lands held in trust or for persons under disabilities. 531 (ex. sess.), 31 D 03

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- a Ky. Settlement of certain fiduciaries in Circuit Court to be filed by clerk thereof in office of county clerk; fees. 45, 21 Mr 04
- b N. Y. Amending real property law '96 ch.547 §94 relating to investments by trustees and other fiduciaries. 742, 14 My 04
- c N. Y. Fixing rate of compensation of trustees of express trusts. Amending C. C. P. §3320. 755, 14 My 04
- d O. Amending R. S. §6322 as to discharge of sureties on bonds of trustees or guardians for nonresidents. p.289, 23 Ap 04
- e Va. Miscellaneous amendments to C. 2616, 2620-22, 2625 relating to leasing and sale of lands held in trust or for persons under disabilities. 531 (ex. sess.), 31 D 03
- f Va. Amending C. §2693 as to time of posting list of fiduciaries by commissioner of accounts. 71, 7 Mr 04
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- a Ala. Defining assignments. p.36, 4 F 03
- b Ala. Claims against insolvent estates if no opposition, to be allowed within 9 [formerly 12] months after insolvency. Amending C. §312. p.78, 26 F 03
- c Ga. Contracts made for assignment or pledge of unearned wages or salary to be void; procedure. p.79, 15 Ag 04
- d N. Y. Persons lending money on salaries of employees to file with employers copy of agreement under which claim is made, otherwise action barred. 77, 18 Mr 04

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- a Ala. Amending C. §2070 relating to exemption in lieu of homestead on estate passing to widow or minor child. p.150, 4 Mr 03

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- b **Ky.** Repealing '93 ch.219 art.15 §5 which exempts wages under \$50 from execution. 16, 4 Mr 04
- c **Md.** *Life, accident and sickness insurance money* exempt from execution in civil proceedings. Amending C. art.83 §8. 381, 7 Ap 04
- d **O.** Personal property to be subject to execution on judgment for purchase price of same. Amending R. S. §5441. p.282, 23 Ap 04
- e **S. C.** Amending C. C. §2631 relating to homestead exemption. 225, 20 F 04
- f **Va.** Exempting from execution property of householder or *head of family* to sum of \$2000: exemption not to be claimed in shifting stock of merchandise or in conveyance by claimant set aside for fraud; proviso. Amending C. §3630, 3636. 546 (ex. sess.), 1 Ja 04

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- a **R. I.** Demand for receipt not to vitiate legal tender. 1151, 25 Mr 04
- b **Va.** Amending C. §2463 as to unwritten contracts. 382 (ex. sess.), 10 D 03

459 Sale of merchandise in bulk

- a **Ky.** Regulating sale of merchandise in bulk: seller to make list of creditors who are to be notified by purchaser; procedure; penalties. 22, 8 Mr 04
- b **N. Y.** Misdemeanor for seller of merchandise in bulk to deceive buyer as to creditors; buyer to retain written answer of seller 6 months after sale. Amending '02 ch.528. 569, 3 My 04
- c **O.** Regulating sale of merchandise in bulk: inventory; notice to creditors; penalties. p.96, 4 Ap 02. *Unconstitutional*. Restricts property rights; class legislation. *Miller v. Crawford*, 71 N. E. 631 (1904).
- d **U.** Regulating sale of merchandise in bulk: inventory; 5 days notice to creditors; penalties. 67, 14 Mr 01. *Unconstitutional*. Impairs freedom of contract; deprives of property without due process of law; class legislation. *Block v. Schwartz*, 76 P. 22 (1904).
- e **Va.** Regulating sale of merchandise in bulk: seller to make inventory of stock and statement of creditors to purchaser; procedure; penalties. Repealing '03 ch. 304 (ex. sess.). 554 (ex. sess.), 2 Ja 04

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- a S. C. On loans under \$25 unlawful to charge for drawing papers or examining property; paper not to include more than loan; violation void. 287, 24 F 04

463

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- a N. Y. Amending Pen. C. §378 relating to usurious loans on certain chattel security. 661, 9 My 04

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- a Ky. Defining diligence on part of banks in collection of checks and drafts. 26, 11 Mr 04
- b Ky. Establishing negotiable instruments law uniform with law of other states. 39p. 102, 24 Mr 04
- c La. Establishing negotiable instruments law uniform with laws of other states. 27p. 64, 29 Je 04
- d N. Y. Bank not liable for payment of forged check unless depositor notifies it within 1 year of return of voucher. Adding §326 to negotiable instruments law '97 ch.612. 287, 13 Ap 04
- e Va. Repealing C. §2842-43, 2845-46, 2848-51 relating to negotiable instruments. 569 (ex. sess.), 24 D 03
- f Va. Time for presentation of bills and notes falling due on holidays. Amending C. §2844. 137, 12 Mr 04

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- a O. Relating to bond of surviving partner purchasing decedent's interest: notice to creditors and discharge of bond. Adding §3169a to R. S. p.284, 23 Ap 04

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- a O. Official and fiduciary bonds less than \$2000 must be guaranteed by surety companies; payment by government of fee for official bonds; personal security when bond refused by company. Amending R. S. §3641c. p.182, 22 Ap 04

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- a Miss. Mother to have action for death of illegitimate children and children for death of mother under '98 ch.65. 87, 11 Mr 04
- b Va. Time during which suit for death from personal injuries pends not to be counted if action abates or is dismissed without determination on merits; distribution of proceeds. Amending C. §2903-4. 64, 7 Mr 04

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- a** Kan. Relieving from all save actual damage newspaper publisher of libel in good faith, if retraction made. 249, 1 Mr 01. *Unconstitutional*. Violates Const. §18 providing for remedy "by due course of law." *Hanson v. Krehbiel*, 75 P. 1041 (1904).

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477 Parties. Age

- a** La. Marriages contracted between parties within degrees of relationship prohibited by C. C. art.95, either party being domiciled in state, not to be deemed valid though contracted in other state or country. Amending C. C. art.113. 129, 5 Jl 04
- b** N. J. Prohibiting marriage of insane, epileptic or feeble-minded person except on physician's certificate of complete recovery; misdemeanor to abet such marriage. 137, 28 Mr 04
- c** O. Marriage license not to be granted if either party is habitual drunkard, epileptic, imbecile or insane or who at time of application is under influence of liquor or drug. Amending R. S. §6389. p.83, 15 Ap 04
- d** Va. Woman not to marry husband of her brother's or sister's daughters. Amending C. §2224. 427 (ex. sess.), 12 D 03

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- a** Va. Amending C. §2216, 2228, 2240, 2250 relative to issue of marriage licenses and register thereof. 427 (ex. sess.), 12 D 03

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481 Alimony. Division of property

- a** N. Y. Amending C. C. P. §1772 relating to enforcement of judgment for divorce or separation rendered in another state requiring education and maintenance of children and support of wife. 318, 13 Ap 04
- b** N. Y. Court to nullify final judgment for plaintiff's support on remarriage. Amending C. C. P. §1771. 339, 16 Ap 04

483 Soliciting divorce business

- a** Va. Misdemeanor to solicit divorce business: disbarment. 374 (ex. sess.), 10 D 03

489 Trials. Procedure

- a** Ala. Appeals in divorce proceedings to be taken within 60 days; neither party to marry within such time or during pendency of appeal. p.49, 13 F 03
- b** Va. Amending C. §3207-8 as to service in divorce proceedings and as to publication of service on nonresidents. 406 (ex. sess.), 10 D 03

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- a **Ia.** On insanity of surviving spouse court may elect for same whether to accept distributive share of estate under will. Amending C. §3376. 121, 12 Ap 04
- b **Md.** Statute and common law of state as to wife's dower to be applicable to husband's dower unless such construction unreasonable. Amending C. art.45 §7. 151, 25 Mr 04
- c **Mass.** Amending R. L. ch.132 §9 relative to petition for assignment of dower. 306, 6 My 04
- d **Va.** Amending C. §2274 relating to rights of widow before dower is assigned. 425 (ex. sess.), 12 D 03
- e **Va.** Court may order sale of real estate of tenant by dower or curtesy; court to invest and hold proceeds for parties interested. 460 (ex. sess.), 17 D 03

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- a **N. J.** Married woman as executrix, administratrix, trustee or guardian may convey real estate without joining husband therein. 21, 7 Mr 04
- b **N. J.** Conveyance by married woman of personal estate may be executed without concurrence of husband. Supplementing R. S. '74 p.468. 192, 29 Mr 04
- c **Va.** Repealing C. §2297-98 relating to certain property rights and liabilities of married women. 456 (ex. sess.), 16 D 03

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- a **Ia.** On insanity of either spouse, other may petition for leave to deed or mortgage real estate. Amending C. §3167, 3169. 119, 27 F 04

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- a **Md.** Amending C. art.27 §47A relating to family desertion: court may suspend sentence and place defendant on probation for 1 year on entering into recognizance to make certain weekly payments; forfeiture of recognizance; procedure. Adding §47B. 44, 9 Mr 04
- b **N. J.** Person convicted of neglect of minor may be ordered by court to make weekly payment to humane society for care [formerly during minority]. Amending '80 ch.95, '01 ch.125. 166, 29 Mr 04
- c **N. J.** Misdemeanor to desert or neglect to provide for wife or minor child [formerly, and to leave the state]. Amending '03 ch.216. 202, 30 Mr 04

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- d **Va.** Misdemeanor to desert wife and minor children or to fail to provide for support; City Corporation or Hustings Courts in cities and Circuit Courts in counties to have original and exclusive jurisdiction. 111, 12 Mr 04

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- a **Mass.** Amending R. L. ch.145 §4 relative to custody of minor children under guardians. 163, 19 Mr 04
- b **Mass.** Amending R. L. ch.154 §2 relative to adoption of children: *illegitimacy not to be averred in record.* 302, 6 My 04
- c **Va.** Children of former slaves may inherit from father, who recognized them as children and mother as wife. Amending C. §2552. 430 (ex. sess.), 12 D 03

498 **Change of name**

- a **Ala.** Misdemeanor for person to change name with fraudulent intent. p.438, 10 O 03
- b **Ia.** Person may change name [formerly on order of District or Superior Court] by filing with District Court clerk certain statement: procedure; reindexing of real estate; fees; penalty. Revising C. §4471-75. 127, 6 Ap 04
- c **Md.** Amending C. art.16 §95 relating to procedure for change of name. 25, 9 Mr 04

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501 **General**502 **General laws. Incorporation**

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- a **Ala.** Minor amendment to C. §1251 relating to purposes for which corporations may be organized. p.127, 20 Mr 03
- b **Ala.** Private corporations organized under general law to have all lawful charter powers. p. 128, '03
- c **Ala.** General corporation law. 31p. p.310, 2 O 03
- d **La.** Providing for formation of corporations having subscribed capital of \$3000; insurance and banking corporations, and those exercising power of eminent domain excepted. 78, 4 Jl 04
- e **N. J.** Providing for recording by secretary of state of corporate certificates and other papers. 148, 28 Mr 04
- f **N. Y.** Amending general corporation law '90 ch.563 §19 as to buying of bullion or coin by nonbanking corporations. 236, 5 Ap 04
- g **N. Y.** Municipal or other *political* corporations exempted from provisions of t.2 art.2-4 concerning corporations. Amending C. C. P. §1804. 501, 29 Ap 04
- h **O.** Amending '02 p.124 §5-8 relating to corporations: filing of

490

Family property

492

Dower. Curtesy

- a **Ia.** On insanity of surviving spouse court may elect for same whether to accept distributive share of estate under will. Amending C. §3376. 121, 12 Ap 04
- b **Md.** Statute and common law of state as to wife's dower to be applicable to husband's dower unless such construction unreasonable. Amending C. art.45 §7. 151, 25 Mr 04
- c **Mass.** Amending R. L. ch.132 §9 relative to petition for assignment of dower. 306, 6 My 04
- d **Va.** Amending C. §2274 relating to rights of widow before dower is assigned. 425 (ex. sess.), 12 D 03
- e **Va.** Court may order sale of real estate of tenant by dower or curtesy; court to invest and hold proceeds for parties interested. 460 (ex. sess.), 17 D 03

494

Property rights of married women

- a **N. J.** Married woman as executrix, administratrix, trustee or guardian may convey real estate without joining husband therein. 21, 7 Mr 04
- b **N. J.** Conveyance by married woman of personal estate may be executed without concurrence of husband. Supplementing R. S. '74 p.468. 192, 29 Mr 04
- c **Va.** Repealing C. §2297-98 relating to certain property rights and liabilities of married women. 456 (ex. sess.), 16 D 03

495

Rights when wife or husband is insane

- a **Ia.** On insanity of either spouse, other may petition for leave to deed or mortgage real estate. Amending C. §3167, 3169. 119, 27 F 04

496

Support of family

- a **Md.** Amending C. art.27 §47A relating to family desertion: court may suspend sentence and place defendant on probation for 1 year on entering into recognizance to make certain weekly payments; forfeiture of recognizance; procedure. Adding §47B. 44, 9 Mr 04
- b **N. J.** Person convicted of neglect of minor may be ordered by court to make weekly payment to humane society for care [formerly during minority]. Amending '80 ch.95, '01 ch.125. 166, 29 Mr 04
- c **N. J.** Misdemeanor to desert or neglect to provide for wife or minor child [formerly, and to leave the state]. Amending '03 ch.216. 202, 30 Mr 04

CIVIL LAW CORPORATIONS

- d Va. Misdemeanor to desert wife and minor children or to fail to provide for support; City Corporation or Hustings Courts in cities and Circuit Courts in counties to have original and exclusive jurisdiction. 111, 12 Mr 04

497 Children: adoption, custody, legitimation

- a Mass. Amending R. L. ch.145 §4 relative to custody of minor children under guardians. 163, 19 Mr 04
b Mass. Amending R. L. ch.154 §2 relative to adoption of children: *illegitimacy not to be averred in record*. 302, 6 My 04
c Va. Children of former slaves may inherit from father, who recognized them as children and mother as wife. Amending C. §2552. 430 (ex. sess.), 12 D 03

498 Change of name

- a Ala. Misdemeanor for person to change name with fraudulent intent. p.438, 10 O 03
b Ia. Person may change name [formerly on order of District or Superior Court] by filing with District Court clerk certain statement: procedure; reindexing of real estate; fees; penalty. Revising C. §4471-75. 127, 6 Ap 04
c Md. Amending C. art.16 §95 relating to procedure for change of name... 25, 9 Mr 04

500

Corporations

See also 840, Corporation taxes; 1200, Transportation; 1677, Banking; 1730, Insurance; 2627, Municipal utilities

501

General

502 General laws. Incorporation

See also 842, Incorporation fees and taxes

- a Ala. Minor amendment to C. §1251 relating to purposes for which corporations may be organized. p.127, 20 Mr 03
b Ala. Private corporations organized under general law to have all lawful charter powers. p. 128, '03
c Ala. General corporation law. 31p. p.310, 2 O 03
d La. Providing for formation of corporations having subscribed capital of \$3000; insurance and banking corporations, and those exercising power of eminent domain excepted. 78, 4 Jl 04
e N. J. Providing for recording by secretary of state of corporate certificates and other papers. 148, 28 Mr 04
f N. Y. Amending general corporation law '90 ch.563 §19 as to buying of bullion or coin by nonbanking corporations. 236, 5 Ap 04
g N. Y. Municipal or other *political* corporations exempted from provisions of t.2 art.2-4 concerning corporations. Amending C. C. P. §1804. 501, 29 Ap 04
h O. Amending '02 p.124 §5-8 relating to corporations: filing of

Foreign corporations

519-31

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b N. Y. Amending stock corporation law '90 ch.564 §21: number of directors may be increased or reduced by unanimous consent of stockholders without meeting. 307, 13 Ap 04
- c N. Y. Amending general corporation law '92 ch.687 §29 as to quorum of directors. 737, 14 My 04
- d Va. Amending '03 ch.270 pt1 §14 (ex. sess.) as to filing annual lists of officers of certain transportation, communication and *membership* corporations: to designate attorney on whom process may be served within 60 [formerly 30] days after annual meeting. 442 (ex. sess.), 12 D 03

520 Liability

- a N. J. Assenting directors of corporation liable to stockholders [formerly and to creditors] *and in case of insolvency to receiver* for loss resulting from unlawful payment of dividends or reduction of stock. Amending corporation law '96 ch.185 §30. 143, 28 Mr 04

523 Dissolution. Insolvency

See also 449, Insolvency; 1273, Railways; 1343, Street railways; 1687, Banking; 1722, Building and loan associations; 1743, Insurance

- a Ala. Assets of insolvent corporation to constitute trust fund for creditors. p.388, 6 O 03
- b N. Y. Incorporators may dissolve stock corporation before beginning business or incurring liabilities. Adding §61 to stock corporation law '90 ch.564. 296, 13 Ap 04

525 Foreign corporations

See also 1275, Railways; 1344, Street railways; 1689, Banking; 1723, Building and loan associations; 1746, Insurance; 1757, Life insurance; 1766, Fire insurance; 1798, Surety and guaranty

- a S. C. Minor amendment to C. C. §1779 relating to formation of foreign corporations. 247, 25 F 04

528 Agents. Office

- a Ky. Foreign corporations to file with secretary of state name of resident agent on whom process may be served. 69, 21 Mr 04
- b La. Foreign corporations to designate domicile and appoint agent in state, according to Const. 1898 art.264; procedure. 54, 29 Je 04

530 Name

- a N. Y. Certificate of authority not to be granted to foreign corporation holding itself out as such by misleading corporate title; moneyed and insurance corporations excepted. Amending corporation law '92 ch.687 §15. 490, 29 Ap 04

531 Property rights

- a Ia. Amending C. §1641 relating to ownership of real estate by foreign corporations and corporations whose stock is owned by nonresident aliens. 54, 27 F 04

582

Corporations not for profit

See also 809, Exemptions from taxation; 1761, Fraternal societies; 1834, Agricultural societies; 2140, Charities

583

General

Including religious, educational, social, scientific, benevolent etc.

- a Ala. Incorporation, organization and powers of cooperative, single tax or mutual aid associations, not for profit. p.342, 1 O 03
- b Ala. Corporations not for profit may hold and receive property up to \$500,000; increase of membership to 500 [formerly 300]. Amending C. §1304, 1313. p.480, 10 O 03
- c N. J. Preserving to corporations not for profit right of dissolution under '78 ch.62. Amending '99 ch.76 §2. 79, 28 Mr 04
- d N. J. Educational, library or literary corporation may increase or abolish capital stock, change name, abrogate charter provisions; procedure. 118, 28 Mr 04
- e N. Y. Amending benevolent orders law '96 ch.377 §7-9: powers; trustees; *reincorporation*. Adding §10a. 143, 28 Mr 04
- f Va. Repealing '02 ch.405 relative to incorporation of societies for charitable and benevolent purposes and for prevention of cruelty to children. 568 (ex. sess.), 18 D 03

584 **Officers**

- a N. Y. Amending membership corporations law '95 ch.559 §14 as to *special meeting* to change number of directors. 271, 8 Ap 04

585 **Property**

- a N. Y. Amending membership corporations law '95 ch.559 §13 as to validation of conveyance or mortgage of real property made without leave of court. 431, 27 Ap 04

586

Religious corporations

- a Ala. Incorporation of conferences of itinerant ministers of Gospel. p.234, 16 S 03
- b N. Y. Amending religious corporations law '95 ch.723 §33 as to time of annual elections of protestant episcopal parishes. 85, 18 Mr 04

587 **Officers**

- a N. J. Amending '79 ch.164 §3 relating to filling of vacancies in certain religious corporations. 186, 29 Mr 04

588 **Property**

- a N. J. Camp meeting corporation may require lessee to construct sidewalks, curbing and to repair same; procedure. 49, 22 Mr 04
- b N. Y. Methodist episcopal church may transfer property for religious purposes. Adding §93a to religious corporations law '95 ch.723. 344, 16 Ap 04
- c Va. Minor amendment to C. §1401 relating to certain personal property of church. 450 (ex. sess.), 12 D 03

Industrial combinations

588-97

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- d Va. Amending C. §1406 relating to sale, exchange and encumbering of church property by trustees. 209, 15 Mr 04

589 Industrial combinations and monopolies

See also 511, Corporations; 1272, Railways; 1342, Street Railways; 1516, Grain warehouses; 1521, Tobacco warehouses; 1686, Banks; 1740, Insurance

- a La. Prohibiting corporations not domiciled in state from combining to regulate compensation of agents. 182, 7 Jl 04

590

Administration of justice

591

Practice of law

592

Admission to bar

- a Mass. Amending R. L. ch.165 §40, 41, 43 relative to admission to bar: fees; aliens practising in other states to make petition to Supreme Judicial Court or Superior Court for admission. 355, 20 My 04
- b N. J. License may be reissued to attorneys, if original lost or destroyed; procedure; fee. 130, 28 Mr 04
- c Va. Applicant for admission to state bar examination must be 19 years, and have had 2 years in law school or office; certificates to practise not to be issued till 21. 447 (ex. sess.), 12 D 03

593

Miscellaneous

See also 434, Attorney for minors

- a Mass. Extending to Land Court provisions of R. L. ch.173 §81 relative to priority of engagements of attorneys in Supreme Judicial and Superior Courts. 448, 9 Je 04

595 Compensation. Fees. Liens

See also 227, Attorney's fees (criminal procedure)

- a Va. Attorney in action for tort or unliquidated damages on contract to have lien; settlement after notice void against lien. 147, 14 Mr 04

596 Disbarment

- a Ala. Generally amending C. §598-603, 605-6, 610 relating to disbarment proceedings. p.346. '03
- b Ia. Clerk of District Court to certify to Supreme Court judgment suspending or disbaring attorney. Amending C. t.3 ch.10 13, 7 Mr 04

597 Practice. Limitations

- a La. Employees of clerk or deputy clerk of court, sheriff or deputy sheriff may not appear in criminal courts; penalties. Amending R. S. §117. 135, 5 Jl 04
- b Miss. Amending Ann. C. '92 §215 relating to restrictions on practice of law by mayors and justices of peace. 138, 22 Mr 04

- c **Miss.** Partner of district attorney not to defend criminal cases which district attorney is to prosecute; penalties. Amending Ann. C. '92 §1555. 146, 11 Mr 04

600

Courts

Names and general organizations of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries and subordinate headings.

601

General

See also 2359, Law libraries

- a **Cal.** Submitting amendment to Const. 1879 art.6 relating to judiciary: division of state into 3 judicial districts, each to be presided over by District Court of Appeals consisting of 3 justices; appellate jurisdiction over certain cases hitherto under jurisdiction of Supreme Court; cases pending before Supreme Court may be transferred to District Court of Appeals; election of justices; qualifications; salaries; Supreme Court Commission abolished. *Adopted November 1904.* p.737, 14 Mr 03
- b **Fla.** Amending Const. 1885 art.5 §1, 5, 11, 24-29, 31, 32: Legislature on petition of majority of voters of county to establish County Court of Record, replacing previous County Court and Criminal Courts; appointment of judge and prosecuting attorney; jurisdiction; abolition of court; procedure. *Rejected November 1904.* p.639, '03
- c **Md.** Previous and present judges of Circuit Courts, Supreme Bench of Baltimore City and Court of Appeals after 15 consecutive years in office to be pensioned at \$2400 a year when 70 years old; those reaching 70 years after service for 10 preceding consecutive years to receive like pension. Adding §44 to C. art.26. 236, 7 Ap 04
- d **O.** Amending R. S. §1284a increasing salaries of certain judges: judges of Supreme Court and Supreme Court Commission, \$6500 [formerly \$6000]; Common Pleas and Superior Court judges \$3000 [formerly \$2600]; also additional compensation proportional to population of county. p.556, 3 My 04
- e **Va.** The following amendatory acts were passed in the special session of Legislature of 1902-4 to bring statutes into conformity with 1903, ch.401, 433 providing for reorganization of Circuit and Corporation Courts according to Constitution of 1902: ch.345, 348, 350, 351, 354, 355, 358, 359, 365, 367, 372, 379, 381, 385, 386, 389, 390, 393, 400, 403, 407, 408, 409, 411, 415, 422, 426, 448, 459, 485, 487, 488, 489, 491, 498, 499, 500, 502, 511, 523, 525, 526, 527, 534, 564, 565.
- f **Va.** Court of Record may adjourn for period not exceeding 30 days; during adjournment regular or special term may be held by judge at any other place. Amending C. §3111.

591 (ex. sess.), 11 Ja 04

Supreme court

601-5

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- g Va. Amending C. §3122 relating to opening and sitting of Circuit and Corporation Courts. 55, 8 Mr 04
- h Va. Amending C. §3049 as to appointment of special judge in absence or sickness of city or circuit judge *during special term or vacation*. 228, 15 Mr 04
- i W. Va. Salaries of judges of criminal and intermediate courts to be paid from county treasury. 14, 12 Ag 04
- j Wy. Submitting amendment to Const. 1889 art.5 §17: salary of Supreme Court judges, \$5000, and District Court judges \$4000, after January 1905. *Rejected November 1904*. p.152, 23 F 03

604

Supreme court

Including only those highest in state, of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the supreme court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

605 General and miscellaneous

- a Ala. Supreme Court to consist of chief and 6 [formerly 4] associate justices; partial renewal every 2 years; court may sit in 2 divisions; nonconcurrence or disqualification; names of judges to be stated in final decisions. Amending C. §3825. p.493, 10 O 03
- b Ark. Submitting amendment to Const. 1874 art.7 §3: Supreme Court to consist of chief justice and 5 [formerly 4] associate justices; court to sit in 2 divisions; transfer of causes from division to court. *Rejected November 1904*. p.482, 10 Mr 03
- c Col. Amending Const. 1876 art.6 §5-8 relative to Supreme Court: election, term and number of judges; departments. *Adopted November 1904*. 73, 6 Ap 03
- d Ga. Salaries of Supreme Court judges, \$4000 [formerly \$3000]. *See* Const. 1877 art.6 §13. p.72, 15 Ag 04
- e Ky. Compensation of clerical assistants in Court of Appeals limited to \$100 a month [formerly aggregate limited to \$6000 a year]; law practice in court prohibited. Amending '00 ch.1 (ex. sess.) §1. 20, 8 Mr 04
- f La. Submitting amendment to Const. 1898 art.86-88, 95: justices of Supreme Court to be *elected* [formerly appointed by governor with consent of Senate]. *Adopted November 1904*. 137, 6 Jl 04
- g Miss. Amending Ann. C. '92 §3955 relating to pay of special judges of Supreme Court. 164, 22 Mr 04
- h Miss. Amending Ann. C. '92 §4338-39 as to terms of Supreme Court and call of docket. 170, 7 Mr 04

CIVIL LAW ADMINISTRATION OF JUSTICE

- i N. J. Amending '00 ch.147 §9 relating to compensation of special judges of Court of Errors and Appeals. 151, 28 Mr 04
- j N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §1, 7 as amended in 1899: *Legislature* [formerly governor] may increase number of judges of Court of Appeals not to exceed 11, on two thirds vote of members of each house; Legislature may decide as to quorum, and concurrence necessary to decision, also as to divisions of court; [formerly quorum consisted of 5 judges, and concurrence of 4 was required]. p.1936, 14 Ap 04
- k R. I. Designating commission of 7 members to determine changes necessary for carrying into effect art.12 of amendments to Constitution, adopted in November 1903, relating to jurisdiction of Supreme Court; report to secretary of state by October 1904. r.2, 13 Ap 04
- m Va. Amending C. §3093 relating to transfer of causes of Supreme Court of Appeals from one place of session to another; amending §3095 stating conditions in which Special Court of Appeals may be formed. 414 (ex. sess.), 10 D 03
- 606 Officers
 - a Ala. Salary of assistant marshal of Supreme Court, \$1000 [formerly \$600]. Amending C. §3847. p.341, 1 O 03
- 607 Reports
 - a Ky. *Judges of Court of Appeals* to let contracts for publication of state reports containing decisions of court; regulations; [formerly printing was done by contractor of public printing]. Repealing S. '03 §956-57 and ch.105 so far as relating to printing decisions. 113, 25 Mr 04

609 Intermediate courts

611 Appellate courts

- a Ky. Redistricting Appellate Court districts. Amending '93 ch.229. 14, 4 Mr 04

613 Chancery court

- a Miss. Redistricting Chancery Court districts: 8th district added. Repealing Ann. C. '92 §440-56. 82, 19 Mr 04

615 Circuit courts

- a Ala. Clerk of Circuit Court to have custody of records of abolished inferior courts and to issue process thereon. p.388, 6 O 03
- b Ala. Reapportionment and regulation of judicial circuits; election of judges and solicitors; terms. Amending C. §897-98, 900, 906, 911-16, and adding §917. p.566, 12 O 03
- c Miss. Redistricting Circuit Court districts: allotment of time for criminal and civil business; district attorneys to attend court in

Intermediate courts

615-23

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- district of residence. Repealing Ann. C. '92 §609-28, '96 ch.72, '02 ch.92. 83, 22 Mr 04
- d N. J. Governor to appoint 4 [formerly 3] circuit judges. Amending '00 ch.149 §39. 29, 15 Mr 04
- e N. J. Amending '00 ch.149 §38 as to payment of common pleas judge holding Circuit Court. 108, 28 Mr 04
- f N. J. State to be divided into 9 judicial districts *composed of such counties as Supreme Court justices may determine* [formerly fixed by law]. Supplementing '00 ch.149. 250, 11 Ap 04
- g O. Salary of Circuit Court judges \$6000 [formerly \$4000]; repealing provision allowing additional compensation from county treasury in certain circuits. Amending R. S. §455. p.530, 20 Ap 04
- h Va. Jurisdiction and powers of County Courts vested in Circuit Courts. 401 (ex. sess.), 10 D 03; 515, 31 D 03
- i Va. Miscellaneous amendments to C. §3056-60, 3062 relating to Circuit Courts: circuits; jurisdiction; terms. Repealing C. §3063, 3065-67. 495 (ex. sess.), 26 D 03
- j Va. Governor in case of disability of circuit or city judge in city of 10,000 to fill temporary vacancy. Amending C. §3049. 594 (ex. sess.), 12 Ja 04
- k Va. Amending '03 ch.401 (ex. sess.) vesting in Circuit Courts, powers and jurisdiction of county courts. 14, 9 F 04
- m Va. Amending C. §3059 relating to terms of Circuit Courts. 33, 23 F 04; 229, 15 Mr 04

617

Common pleas

- a O. Court of Common Pleas may appoint official stenographer; term, salary and fees; powers and duties. p.177, 22 Ap 04
- b O. Courts of Common Pleas may appoint interpreters, criminal bailiff and secret service officer; duties; compensation; tenure. Repealing R. S. §471-73, 474 subdiv.1, 1282 subdiv.1-3. p.308, 23 Ap 04

619

County court

- a Fla. Submitting amendment to Const. 1885 art.5 §18: judge of County Courts to be attorney at law. *Rejected November 1904.* p.637 '03
- b Va. Jurisdiction and powers of County Courts vested in Circuit Courts. 401 (ex. sess.), 10 D 03; 515 (ex. sess.), 31 D 03

623

Court of appeals

- a La. Clerks of District Courts to furnish certain statistical information for use of Legislature relative to Courts of Appeal, on order from governor. 2, 26 My 04

CIVIL LAW ADMINISTRATION OF JUSTICE

- b **La.** Submitting amendment to Const. 1898 art.98-100, 106, 131 relating to Courts of Appeals: division of state into 2 circuits and of circuits into 3 districts each; election of judges of districts for term of 8 years; vacancies; sessions of Courts of Appeals; jurisdiction. Repealing art.105. *Rejected November 1904.* 132, 6 Jl 04
- c **La.** Judges of new Courts of Appeals to fix terms of respective courts on adoption of amendment to Const. 1898 art.100 in November 1904. Amendment rejected, see above. 183, 7 Jl 04

633

District courts

- a **La.** Submitting amendment to Const. 1898 art.109 relating to District Courts: additional judge to be elected in 1st judicial district; repealing provisions pertaining to 1st election of district judges under Constitution of 1898. *Rejected November 1904.* 29, 21 Je 04
- b **La.** Submitting amendment to Const. 1898 art.124: vacancies in office of clerk of District Court to be filled by special election if unexpired portion of term exceed 1 year, or by governor if less than year. *Adopted November 1904.* 139, 6 Jl 04
- c **La.** Submitting amendment to Const. 1898 art.109: vacancies in office of district judge to be filled by special election if unexpired portion of term exceed 1 year or if less than year, by governor with consent of Senate. *Adopted November 1904.* 141, 6 Jl 04
- d **N. J.** Amending '98 ch.228 §6, 8 relating to salaries of District Court judges and clerks. 82, 28 Mr 04

639

Superior courts

- a **Ga.** Salaries of judges of superior courts \$3000 [formerly \$2000]. *See Const. 1877 art.6 §13.* p. 72, 15 Ag 04

643

Supreme courts

- a **N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 by adding §24: provision for election of 2 additional justices of Supreme Court in 2d judicial district. *Not repassed in 1903 or 1904.* p.1806, 22 Ap 01
- b **N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 §2 as amended in 1899, relating to justices of appellate division of Supreme Court: when not acting as appellate justice may hold term of Supreme Court in any county or judicial district in any other department of state. p.1931, 6 Ap 04
- c **N. Y.** Referring to next Legislature amendment to Const. 1894 art.6 §6: Court of Appeals may authorize appointment of trial commissioners in counties of 500,000, their necessity being certified to by appellate division of Supreme Court of the county; term 6 years; salary \$12,000; powers. p.1933, 8 Ap 04

Inferior courts

643-53

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- d N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §1: Legislature may increase number of Supreme Court justices on two thirds vote of members of each house.
p. 1936, 14 Ap 04
- e N. Y. Referring to next Legislature amendment to Const. 1894 art.6 §6 by adding article: justices of appellate division of department in which Supreme Court commissioners have been appointed may designate additional commissioners and may revoke designation.
p.1938, 15 Ap 04
- f N. Y. Appellate division of Supreme Court may provide rules for making up calendars in counties within department. Amending C. C. P. §977.
474, 28 Ap 04
- g N. Y. In counties with 2 or more parts of Supreme Court at trial term, 1 or more parts to be devoted to actions on sales, insurance and negotiable paper. Amending C. C. P. §232. 500, 29 Ap 04

645

Inferior courts

- a N. J. Repealing sundry acts relating to small cause courts.
122, 28 Mr 04

647

Coroners. Medical examiners

- a N. Y. Amending '73 ch.833 §1, '74 ch.535, '00 ch.763 as to fees of coroners for taking inquisition.
119, 23 Mr 04
- b Va. Judge of Circuit or Corporation Court to *appoint coroners* [formerly nominated by court and appointed by governor]; term 2 years [formerly during good behavior]. Amending C. §891.
357 (ex. sess.), 8 D 03

651 Inquests

- a Ala. Amending C. §3368 as to duties of Probate Court in cases of poisoning: costs for chemical analysis limited to \$100 [formerly \$15], to be paid by county.
p.284, 29 S 03
- b Mass. Inquest to be held in cases of death by accident on railroads or street railways. Amending R. L. ch.24 §11. 119, 27 F 04

653

Justices of the peace

- a La. Justices of peace to furnish certificate of qualification within 60 days after election. Amending '98 ch.155 §2.
39, 25 Je 04
- b La. Fixing fees of justices of peace. Amending '98 ch.203 §8.
155, 5 Jl 04
- c N. Y. Amending C. C. P. §3322 as to certain fees of justice of peace.
282, 13 Ap 04
- f Va. State liable for one half fees unpaid in Justices Courts. Amending C. §718.
385 (ex. sess.), 10 D 03

CIVIL LAW ADMINISTRATION OF JUSTICE

- g Va. Amending C. §2939, 2956-57 defining jurisdiction and procedure of Justices Courts and regulating appeals therefrom. Repealing '94 ch.454, '98 ch.621. 436 (ex. sess.), 12 D 03
 - h Va. Cities whose charters make no provision therefor to elect justices of peace; jurisdiction; term. 577 (ex. sess.), 2 Ja 04
 - i Va. Amending C. §2942 relating to trial of small causes by justice of peace: to call in two other justices on affidavit by defendant that fair trial can not be obtained. 56, 8 Mr 04
- 655 Municipal and police courts**
- a La. Amending '98 ch.136 §29 as to compensation of city judge appointed in cities of 5000; appointment of judge pro tem. 91, 4 Jl 04
 - b N. Y. Amending '98 ch.182 §398 as to powers of deputy clerk of police court in cities of 50,000 to 250,000. 507, 29 Ap 04
 - c O. Defining jurisdiction of police courts. p.7, 22 Ja 04
 - d O. Clerk of Police Court to receive salary of \$2000 for city cases, and for state cases additional salary limited to \$2000 [formerly \$1250] to be paid from county treasury; [formerly salary for city cases graded according to classification of city]. Amending R. S. §1536 subdiv.839. p.101, 19 Ap 04
 - e O. Interpreter may be appointed for police court *in cities where more than 1 police judge* [formerly cities of 2d grade 1st class]; *clerk to appoint on disagreement of judges*. Amending R. S. §1536 subdiv.816. p.387, 25 Ap 04
 - f S. C. Cities of 4000 to 20,000 may establish municipal courts. 214, 19 F 04
 - g Va. Judge of Corporation or Hustings Court in city under 10,000 may be chancery commissioner of Circuit Court. Amending C. §3130. 386 (ex. sess.), 10 D 03
 - h Va. Reorganizing city and corporation courts both in cities over and under 10,000, according to provisions of Const. 1902 §98-99; classification of cities; terms; jurisdiction. Amending C. §3050, 3053-55. 433 (ex. sess.), 12 D 03
 - i Va. Police justice to be appointed by Corporation or Hustings Court in certain cities over 10,000; jurisdiction; terms; salary; vacancy. 542 (ex. sess.), 31 D 03
 - j Va. Amending '03 ch.542 subdiv.2 (ex. sess.) relating to appointment of police justices in certain cities over 10,000. 241, 15 Mr 04

657

Court officersFor officer of special court, *see* above under name of court

659

Fees (general)

- a Mass. Abolishing certain fees in Municipal, District and Police Courts. also fees of auditor, referee, master or assessor. Amending R. L. ch.204 §2, 6. 350, 19 My 04

Court officers

659-79

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b Mass.** Fixing salaries of justices, clerks and assistants of District, Police and Municipal Courts; classification based on judicial districts. Repealing R. L. ch.160 §68. 453, 9 Je 04
- c W. Va.** Amending C. ch.137 §7, 22-23 relating to fees of certain officers. 11, 12 Ag 04
- 663 Constable**
- a Ky.** Marshal in towns of 6th class may serve as constable in magisterial district without qualified constable. 100, 22 Mr 04
- b O.** Regulating appointment, duties and compensation of constables for various courts. Amending R. S. §553. p.130, 21 Ap 04
- 669 Notary public**
- a Ga.** Fees of notaries public, for protesting or giving notice to indorsers, sureties or makers of commercial paper limited to \$1.50 each. p.97, 13 Ag 04
- b Miss.** Governor may appoint 1 or more notaries public for each supervisor's district. Amending Ann. C. '92 §3040. 159, 12 F 04
- c Va.** Notaries under 21 years may sue for fees. 12, 8 F 04
- d Va.** Notaries may give bond before *clerk of Circuit or Corporation Court*; to qualify within 4 months. Amending C. §923. 38, 27 F 04
- 671 Clerks of courts**
- a Ky.** Amending '93 ch.226 as to certain fees of clerks of courts. 121, 26 Mr 04
- b Va.** Amending C. §3174 relating to examination of office of clerks of various courts. 390 (ex. sess.), 10 D 03
- 675 Public prosecutor**
See also 50, Attorney general
- 677 County attorney**
- a Ala.** Justice of peace who is county solicitor may not issue warrant of arrest returnable to court in which he prosecutes. Amending C. §4600. p.283, 28 S 03
- b O.** Judges of common pleas of county to fix annually total aggregate to be expended for assistants, clerks and stenographers in office of prosecuting attorney; latter to appoint assistants and fix salary within limit set. Repealing sundry general and special acts. p.314, 25 Ap 04
- 679 District attorney**
- a La.** Submitting amendment to Const. 1898 art.125: vacancies in office of district attorney to be filled by election if unexpired portion of term exceed 1 year or by governor if less than year. *Adopted November 1904.* 140, 6 Jl 04
- b La.** Fees of district attorneys for prosecution of criminal cases in city courts not to be charged against parish. Amending '80 ch.96 §1. 151, 6 Jl 04

CIVIL LAW ADMINISTRATION OF JUSTICE

- c N. Y.** District attorneys in counties over 65,000 [formerly 70,000] may appoint assistant. Amending county law '92 ch.686 §202. 78, 18 Mr 04
- 681 Circuit solicitor**
- a Ala.** Providing for election of solicitors in each judicial circuit according to Const. 1901 §167. p.165, 6 Mr 03
- b Ala.** Amending C. §5522, 5524 relating to appointment and compensation of solicitors pro tem. p.417, 10 O 03
- 687 State's attorney**
- a Va.** Attorney for commonwealth to be present at meetings of county supervisors and give counsel. Amending C. §836. 32, 23 F 04
- 691 Sheriff**
- a Ky.** Sheriff's fee for advertising delinquent tax list, \$1 [formerly \$2]. Amending '02 ch.128 art.7 §23. 49, 21 Mr 04
- b La.** Submitting amendment to Const. 1898 art.119: vacancies in office of sheriff, and ex officio collector of state and parish taxes to be filled by special election, if unexpired portion of term exceed year, or by governor if less than 1 year. *Adopted November 1904.* 138, 6 J1 04
- c S. C.** Verbal amendment to C. C. §926 relating to vacancy in office of sheriff. 210, 19 F 04
- d S. C.** Minor amendment to C. C. §3118 relating to salaries of sheriffs. 234, 22 F 04
- 693 Special commissioners**
- a Va.** Circuit or Corporation Court may during vacation appoint commissioner to convey title to land sold in chancery proceedings. Amending C. §3426. 407 (ex. sess.), 10 D 03
- 694 Stenographers. Reporters**
- a N. Y.** Amending C. C. P. §258 relating to stenographers for certain judicial districts. 58, 9 Mr 04
- 695 Civil procedure**
- Including such provisions as apply to both civil and criminal cases. *See also* 428, Probate procedure; 489, Divorce
- a N. J.** Repealing sundry acts relating to the practice of courts of law. 120, 28 Mr 04
- 697 Legal notices**
- a Ia.** Amending sundry laws relating to publication of legal notices. 2, 12 Ap 04
- b O.** Legal advertisements to be approved by court or clerk and allowed as costs. p.93, 19 Ap 04
- c Va.** Amending C. §3231 relating to publication of order of service: clerk to file certificate. 394 (ex. sess.), 10 D 03

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Commencement of action

- a Ala. Filing of complaint with clerk of court to constitute commencement of suit. Amending C. §2814. p.370, 1 O 03
- b R. I. Person injured by crime may institute civil action *before* [formerly after] criminal complaint is made. Amending G. L. ch.233 §16. 1150, 25 Mr 04

700

Complaint

- a N. Y. Amending C. C. P. §531 as to bill of particulars. 500, 29 Ap 04

701

Limitations

- a Md. Payment of interest on bill or specialty to suspend operation of statute of limitations for 3 years. Amending C. art.57 §3. 414, 8 Ap 04
- b S. C. Mortgages securing coupon bonds of corporations not to be subject to 20 year limitation. Amending C. C. §2449. 222, 20 F 04
- c Va. Extending to married women provisions of C. §2917 allowing further time to bring action for recovery of land. 462 (ex. sess.), 17 D 03
- d Va. Repealing as to married women C. §2757 relating to limitations of action in rejeatment by persons under disability. 472 (ex. sess.), 18 D 03

703

Place of action. Jurisdiction

See also 604-55, Special courts

- a Ala. Actions for personal injuries may be brought against corporation where injury occurred or county of plaintiff's residence, if corporation has agent there. Amending C. §4207. p.182, 5 Mr 03
- b Mass. Amending R. L. ch.167 §6 relative to negligence actions: venue to be in county of plaintiff's residence or business or where injury received. 320, 9 My 04
- c Va. Amending C. §3214 subdiv.6 relating to venue of actions against state officers and subdiv.7 relating to venue when judge interested. 409 (ex. sess.), 10 D 03
- d Va. Corporation or Hustings Courts to have concurrent jurisdiction with Circuit Courts to enforce police regulations. Amending C. §3055. 11, 8 F 04

705

Summons. Process

- a La. Amending Code of Practice art.180 fixing time for answering legal citation: delay not to exceed 15 days. 77, 4 Jl 04
- b N. Y. Summons in Justices Courts not to be made returnable on legal holiday. Amending C. C. P. §2877. 99, 18 Mr 04
- c N. Y. Amending C. C. P. §2879 as to service of summons in action in Justices Courts on defendant doing business in county other than that of residence. 527, 29 Ap 04

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- d S. C. Summons by publication in Magistrates' Courts. Amending C. P. §156. 197, 11 F 04
- 706 Civil arrest
- a N. Y. Amending C. C. P. §145, 149-51, 158, 167, 169, 582 relating to jail liberties of civil prisoners and undertaking therefor. 384, 26 Ap 04
- 707 Trial. Pleadings
- 708 General and miscellaneous
- a La. Providing for trial of cases on legal holidays and half holidays; Sundays and Christmas excepted. 6, 10 Je 04
- b Md. Amending C. art.52 §29A, relating to postponement of proceedings in Justices Courts when fact of partnership, incorporation or representative character of any party is denied *under oath*. 89, 17 Mr 04
- c Miss. Amending Ann. C. '92 §722 as to trial of issue of fact in Circuit Court. 142, 12 F 04
- d N. Y. Amending C. C. P. §977 as to note of issue of trial. 474, 28 Ap 04
- e N. Y. Statement may be submitted to court or referee before decision or report for rulings on law and fact. Adding §1023 to C. C. P. 491, 29 Ap 04
- f N. Y. Verbal amendments to C. C. P. §481 subdiv.2, §500 subdiv.2, §514 relating to contents of complaint, answer and reply. 500, 29 Ap 04
- g Va. Amending C. §3427 as to provision for hearing argument in Circuit and Corporation Courts in open court. 198, 15 Mr 04
- 710 Change of venue or judge
- a Mon. Amending C. C. P. §615 relating to change of place of trial of civil actions. 2 (2d ex. sess.), 10 D 03
- b Mon. Amending C. C. P. §180 relating to disqualification of judges: judge disqualified for prejudice by affidavit of party to action. 3 (2d ex. sess.), 10 D 03
- c Mon. Amending C. C. P. pt2 t.4 ch.4 by adding §620, 621 relating to costs on disqualification of judge or change of place of trial in civil actions. 5 (2d ex. sess.), 11 D 03
- d Va. Amending C. §3316 as to motion and notice of removal of civil causes by circuit or corporation judges. Repealing C. §3315. 399 (ex. sess.), 10 D 03
- 711 Equity causes
- a Mon. Supreme Court to review the facts on the evidence in appealed equity cases. Amending C. C. P. §21. 1 (2d ex. sess.), 10 D 03

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Pleadings. Motions

- a Va. Repealing '98 ch.634 which allowed remedy by motion for judgment in certain cases in County Court. 351 (ex. sess.), 8 D 03

716

Evidence. Witnesses

717

General and miscellaneous

- a Cal. Court may strike out answer of party on refusal to attend and give deposition. C. P. §1991. *Unconstitutional*. Restricts right to defend action. *Summerville v. Kelliher*, 77 P. 889 (1904).
- b Ky. Misdemeanor for witness to leave state or person to abet in same, to avoid testifying before legislative committee or grand jury. 74, 21 Mr 04
- c Miss. Witnesses in Chancery Court may testify in hearings to confirm sale in *partition proceedings*, to *foreclose vendors lien*, *ex parte petitions*. Amending Ann. C. '92 §1764. 148, 11 Mr 04

718

Attendance and fees of witnesses

- a Ala. Providing for payment of witness fees in criminal cases removed to United States Courts. p.369, 1 O 03
- b S. C. Minor amendment to C. C. §3131 relating to witness fees. 221, 20 F 04

719

Books. Papers. Laws

- a Va. Contents of papers filed in *Circuit, Corporation, County Court or office of clerks thereof* may be proved before special commissioner; *notice of order to parties interested*. Amending C. §3340-41. 57, 8 Mr 04

720

Competence. Forms etc.

- a Md. Amending C. art.35 §2 as to competency of certain witnesses in proceedings against executors, administrators, *heirs, devisees, legatees etc.* 661, 12 Ap 04
- b N. Y. Professional or registered nurses not to disclose professional information. Amending C. C. P. §834, 836. 331, 13 Ap 04
- c Or. Amending Ann. C. & S. §723 as to competency of certain witnesses in *suits by or against executor or administrator*. p.16, 24 D 03

721

Depositions. Affidavits

- a N. Y. Deposition of party to action in Court of Record may be taken before or *during trial*. Amending C. C. P. §870. 696, 9 My 04

725

Jury. Verdict

726

General and miscellaneous

- a Ala. Judge to try issues of fact in civil cases unless jury demanded; review by Supreme Court. Adding §917a to C. p.566, 12 O 03

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- b Va. Male citizens over 21 [formerly 21-60], residents of state 2 years [formerly 1], of locality 1 year [formerly 3 months] liable to jury service; drawing; *in civil cases in Justices Courts, jury of 5*, otherwise 7 [formerly with consent of parties]. Amending C. §3139, 3142-47, 3166-67. 384 (ex. sess.), 10 D 03
- c Va. Either party in civil cases where jury consists of 12 entitled to 2 peremptory challenges. Amending C. §3154. 592 (ex. sess.), 11 Ja 04
- d Va. Either party in civil cases entitled to 1 peremptory challenge [formerly 2] where jury consists of 7 [formerly 12]. Amending C. §3154. 36, 27 F 04

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Exemptions

- a Ala. Practising dentist exempt from jury duty. p.352, 1 O 03
- b Ala. Convict guards not to be exempt from jury duty. Amending C. §4455. p.369, 1 O 03
- c Ky. Amending '93 ch.160 §18 as to exemption of honorary members of regiment or battalion from jury service on payment of \$25 [formerly \$100] annually. 52, 21 Mr 04
- d N. Y. Licensed embalmers exempt from jury duty. Amending C. C. P. §1030 subdiv.4, §1081 subdiv.2, §1127 subdiv.2. 416, 27 Ap 04
- e Va. Members, officers and clerks of State Corporation Commission exempt from jury service. Amending C. §3140. 384 (ex. sess.), 10 D 03
- f Va. Amending '88 ch.110 exempting licensed undertakers from jury service. 593 (ex. sess.), 11 Ja 04

728

Fees and mileage

- a Ia. Amending C. §354 subdiv.1 as to compensation of jurors in Courts of Record: to include jurors on special venire. 14, 10 F 04

730

Qualifications. Drawing. Impaneling

- a Miss. Amending Ann. C. '92 §2363 relating to jury lists in counties having 2 Circuit Court districts. 151, 22 Mr 04
- b N. Y. Jury list for Court of Record to be drawn 14 to 21 [formerly 20] days before trial term. Amending C. C. P. §1042. 613, 6 My 04
- c S. C. Verbal amendment to C. C. §2940 relating to empaneling jurors. 226, 22 F 04
- d Va. 9 [formerly 7] ballots to be drawn from jury box for civil cases. Amending C. §3146-47. 81, 8 Mr 04

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Appeals. Review*See also 436, Probate procedure*

- a Ia. Verbal amendment to C. §4134 relating to bond on appeal to Supreme Court. 125, 22 Mr 04

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- b Ia. Abolishing assignment of error in appeals to Supreme Court. Amending C. §4136-37. 126, 18 F 04
- c Ky. Appeals may be taken to Quarterly Court in *civil cases* [formerly involving over \$10]; bond not to be required of defendant in appeal on question of exemption. Amending '93 ch.221 §34. 73, 21 Mr 04
- d La. Supreme Court or Courts of Appeals may transfer records to proper court where case has been wrongly appealed. 56, 29 Je 04
- e La. Amending Code of Practice art.1128, 1134-35 relative to appeals from judgments of justices of peace: appeals in *civil matters* to be allowed whether over or *under* \$10; citation; transcript. 197, 7 Jl 04
- f Md. Regulating determination of appeals from Justices Courts to Circuit Court when appellant fails to appear. Amending C. art.5 §87. 662, 12 Ap 04
- g N. J. Amending '03 ch.165 §80 as to demand for jury trial in hearings of appeals of small causes by Court of Common Pleas. 45, 22 Mr 04
- h N. J. One of several defendants may appeal from judgment of small cause court. Supplementing '03 ch.165. 84, 28 Mr 04
- i N. Y. Amending C. C. P. §1187 as to appeals from nonsuit or general verdict. 131, 28 Mr 04
- j N. Y. Amending C. C. P. §1344 relating to appeals from inferior courts to Supreme Court. 502, 29 Ap 04
- k O. Amending R. S. §5227 relative to notice of appeal to Circuit Court and undertaking therefor. p.394, 25 Ap 04
- m Va. No appeal 1 year after final judgment or where action for less than \$300 [formerly \$500]; *exception*. Amending C. §3455. 373 (ex. sess.), 10 D 03
- n Va. Miscellaneous amendments to C. ch.170 relating to appeal, writ of error or *supersedeas*. Repealing C. §3453, 3468, 3473. 3482-83, 3487. 499 (ex. sess.), 31 D 03

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Exceptions

- a Ala. Amending C. §614 relating to bill of exceptions. p.34, 2 F 03
- b Ala. Amending C. §465 relating to bill of exceptions: to be signed within 20 [formerly 10] days; time may be extended by judge or counsel not exceeding 6 months. p.74, 3 Mr 03
- c Ala. Amending C. §621 relating to bill of exceptions: appeal to Supreme Court *within 30 days*, if judge refuses to sign. p.396, 6 O 03
- d Ala. Amending C. §622 relating to time for filing bill of exceptions in Supreme Court when not signed by inferior judge. p.398, 6 O 03

- e O. Amending R. S. §5301-1a and adding §5302a relating to time for filing bill of exceptions. p.461, 26 Ap 04

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Judgments

- a Ala. Judgments: registration; liens; execution. p.273, 26 S 03
- b Fla. Submitting amendment to Const. 1885 art.16 §6: *opinion* [formerly decision] of Supreme Court to be filed before judgment takes effect. *Rejected November 1904.* p.639, '03
- c La. Judgments in District Courts to be signed in 3 days from rendition, according to Const. 1898 art.117. Amending '98 ch.163 §5. 40, 25 Je 04
- d La. Amending Code of Practice art.312 relating to confirmation by default: definitive judgment after 2 days, *Sundays and legal holidays excluded.* 90, 4 Jl 04
- e N. J. Defendant in District Court may before judgment pay claim of plaintiff including cost and *attorneys fee of 5% of amount paid.* Amending '98 ch.228 §155. 115, 28 Mr 04
- f S. C. Clerk of Supreme Court to send copy of opinion with each judgment; clerks fee \$1.50. Amending C. P. §12. 205, 18 F 04
- g Va. Amending C. §4060 as to docketing judgment of Supreme Court of Appeals by inferior court. 403 (ex. sess.), 10 D 03
- h Va. Amending C. §3426 as to notice of interlocutory decree made by circuit judge in vacation. 407 (ex. sess.), 10 D 03
- i Va. Amending C. §3559-60, 3562 relating to docketing of judgments by clerks of courts. 498 (ex. sess.), 31 D 03

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Executions Judicial sales*See also 451, Exemption from execution*

- a Ala. Executions to issue 10 days after judgment. Amending C. §917. p.566, 12 O 03
- b N. J. Sale of real estate under execution not to be attacked 6 years after judgment because of irregularities in notice and order. 38, 16 Mr 04
- c Va. Amending C. §3599 relating to quashing of executions. 524 (ex. sess.), 31 D 03
- d Va. Amending C. §907 as to posting and time of judicial sale of mules, horses and oxen. 78, 8 Mr 04

737

Costs. Bonds

- a Ala. Attorney's fee to be allowed in trust, partition and distribution proceedings in Probate and Chancery Courts. p.33, 2 F 03
- b Ia. Regulating costs in contract actions in Justices Courts where judgment for defendant on nonappearance of plaintiff. Amending C. §4481. 128, 9 Ap 04
- c Mass. Costs of \$25 [formerly \$10] to be allowed successful party for printing briefs in law cases in Supreme Judicial Court. Amending R. L. ch.203 §26. 413. 3 Je 04

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- d N. Y. Amending C. C. P. §3268 relating to demand by defendant of security for costs. 524, 29 Ap 04
- e Va. Amending C. §3552 as to certain fees of attorneys in taxing of costs. 501 (ex. sess.), 31 D 03

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Special actions

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Attachment

See also 451, Exemption from execution

- a Ga. Fixing situs of debts due nonresidents for purposes of attachment. p.100, 13 Ag 04
- b Ia. Release of attachment of real property to be recorded by clerk of county where located, on notification from clerk of county where action commenced; fees. 123, 17 Mr 04
- c N. Y. Claimant to personal property seized under attachment may obtain discharge by giving undertaking; proceedings. Adding §658a to C. C. P. 293, 13 Ap 04
- d N. Y. Amending C. C. P. §657-58, 1418-19 relating to claims of third party to property levied by sheriff: procedure. 541, 3 My 04
- e S. C. Real or personal property may be attached in action for purchase money. 260, 25 F 04
- f Va. Amending C. §2961-62, 2965 relative to attachment against debtor removing effects out of state, also against tenant removing effects from leased premises. 377 (ex. sess.), 10 D 03
- g Va. Attachment may be levied against any remainder of non-resident or of absconding debtor; contingent remainder not to be sold till vested but judgment to be lien. Amending C. §2967. 31, 19 F 04
- h Va. Judge of Circuit or *Corporation* Court in vacation may after *reasonable* [formerly 10 days] notice to attaching creditor, quash attachment. Amending C. §2981. 52, 8 Mr 04

742 Garnishment

- a Ia. Wages of nonresident earned outside state to be protected from garnishment by nonresident creditor on cause of action arising without state. 124, 7 Mr 04
- b La. Protecting employees in garnishment cases: wages earned without state to be exempt from attachment if cause of action arose without state. 165, 5 Jl 04

746

Replevin

- a Md. Bond by plaintiff in replevin to be given to state for use of parties interested who may maintain action thereon in name of state. Adding §111A to C. art.75. 26, 9 Mr 04

748

Title and possession of property

- a Ala. *Standing timber not to be cut till deed for tax sale is received.* Amending C. §4099. p.410, 10 O 03

ADMINISTRATIVE LAW OFFICERS

- b **La.** Defining manner of giving notice of pendency of action regarding title, mortgage or lien on realty. 22, 17 Je 04
 - c **La.** Curator ad hoc to be appointed for absentees in partition or expropriation suits when residence of defendant unknown to plaintiff. Amending Code of Practice art.116. 190, 7 Jl 04
 - d **N. J.** Evidence of assignment by landlord to plaintiff may be offered in action for recovery of premises. Supplementing R. S. '74 p.422. 124, 28 Mr 04
 - e **N. Y.** Lis pendens may be filed, *if complaint is verified*. Amending C. C. P. §1670. 518, 29 Ap 04
 - f **N. Y.** Amending C. C. P. §1638-39 relating to actions to compel determination of claims to real property. 526, 29 Ap 04
 - g **Va.** Amending C. §2716-20 relating to summary remedy for unlawful entry or detainer of land. 439 (ex. sess.), 12 D 03
 - h **Va.** Amending as to land of feme covert C. §2773, relating to value of plaintiff's estate in ejectment proceedings. 453 (ex. sess.), 12 D 03
 - i **Va.** Writs of possession in cases of unlawful entry on city, town or suburban property to be made returnable within 30 days. Amending C. §3584. 524 (ex. sess.), 31 D 03
 - j **Va.** Establishing rule of evidence in actions of ejectment and unlawful entry or detainer of lands of certain description. 566 (ex. sess.), 2 Ja 04
- 749 **Writs: certiorari, injunction, mandamus, prohibition, quo warranto, scire facias**
- a **N. J.** Repealing sundry acts relating to mandamus. 121, 28 Mr 04
 - b **N. J.** Repealing sundry acts relating to quo warranto. 123, 28 Mr 04
 - c **N. J.** Repealing sundry acts relating to writs of certiorari. 161, 29 Mr 04
 - d **Va.** Supreme Court of Appeals may issue mandamus and prohibition to *State Corporation Commission, or wherever writs would lie at common law*. Amending C. §3086. 414 (ex. sess.), 10 D 03

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ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known as the Political Code

753

Officers. Civil service

See also 38, State departments; 2472, Municipal civil service; 2511, County civil service

754

General

- a **Va.** List of county, district and city officials with date of appointment, election and terms to be sent annually to secretary of

Civil service

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state by clerks of Circuit and Corporation Courts; notice of vacancies. 321 (ex. sess.), 17 N 03

- b Va. Amending C. §223-33, 235 relating to certain state officers elected by joint vote of Legislature: superintendent of State Penitentiary: term 4 [formerly 2] years; bonds; suspension; vacancies. 362 (ex. sess.), 10 D 03

756 Appointment

- a Va. Generally amending C. ch.35 relating to qualifications of county, city and district officers. 418 (ex. sess.), 10 D 03; 463 (ex. sess.), 17 D 03

757 Vacancies

- a Miss. Provision for filling vacancies in state offices. Amending '02 ch.71 §1. 130, 11 Mr 04

758 Civil service examination

See also 2256, Teachers

- a Mass. Applicants may be certified 3 times to same civil service position, except in case of moral unfitness. 198, 31 Mr 04

760 Oath. Installation

- a Va. Amending C. §168-70, 175, 180 relating to general oath and oath against dueling to be taken by person entering office. Repealing '87 ch.406. 334 (ex. sess.), 3 D 03; 364 (ex. sess.), 10 D 03

761 Bonds. Sureties

- a Ala. Amending C. §3087 relating to legal effect of official bond. p.232, 9 S 03
- b Mass. Public officials having custody of official bonds to examine same annually as to sufficiency; laws requiring examination by Supreme Judicial or Superior Courts repealed. Amending R. L. ch.18 §16. 295, 4 My 04
- c Mass. *State treasurer and receiver general* [formerly state auditor of accounts] to approve certain official bonds. 431, 4 Je 04

762 Preference of veterans

- a Ia. Preference of veterans in appointment, employment and promotion to positions in public departments or on public works; removals. 9, 21 Mr 04
- b N. Y. Amending civil service law '99 ch.370, '01 ch.533 §2 relating to veterans of Civil War: to receive compensation from date of unjust removal. 637, 9 My 04

764 Reports

- a Va. Officers of executive department, also institutional boards and superintendents to report to governor on request; [formerly officials were designated, and quarterly reports required]. Amending C. §221. 428 (ex. sess.), 12 D 03

ADMINISTRATIVE LAW FINANCE

765

Salaries. Fees

- a **Ia.** State boards and officials to turn fees into state treasury monthly, also to file monthly statements of expenses and per diem allowances with secretary of Executive Council. 7, 13 Ap 04
- b **Va.** Amending C. §3498, 3500, 3505-6, 3508, 3515, 3519, 3528 as to certain fees of secretary of state, clerk of House of Delegates, and various court officers. Repealing C. §3524.
503 (ex. sess.), 31 D 03; 586 (ex. sess.), 11 Ja 04

767

Tenure of office. Discipline*See also 1237, Passes*

- a **Ind.** Terms of judicial and county officers to begin Jan. 1, next succeeding election. 13, 11 F 03. *Unconstitutional.* Legislature can not postpone election of constitutional officers. *Gemmer v. State*, 71 N. E. 478 (1904).
- b **La.** Providing for suspension of delinquent official, according to Const. 1898 art.223: governor to appoint official to act during suspension. 9, 17 Je 04
- d **Mass.** Persons employed in classified civil service may not be removed, lowered in rank or pay, suspended or without consent transferred except for cause; procedure. 314, 9 My 04
- e **N. J.** Misdemeanor for state employees not to pay into state treasury money received for information given relating to departmental affairs. 238, 5 Ap 04
- f **O.** Submitting amendment to Const. 1851 by adding art.17: Legislature to fix even year terms of administrative and judicial officers within certain limits. *Vote November 1905.* p.640, 18 Mr 04

770

Finance. Public property*See also 2237, School finance; 2550, Local finance*

772

Domain. Property

773

Public lands*See also 2240, School lands*

774

General and miscellaneous

- a **La.** Register of land office from general election in April 1908 to be *elected* [formerly appointed by governor with consent of Senate] for 4 years; vacancy to be filled by appointee of governor. Amending '80 ch.75 §2. 193, 7 Jl 04
- b **Md.** Appeals from judgments or orders of commissioner of land office to be taken within 2 [formerly 9] months. Amending C. art.5 §80. 143, 25 Mr 04
- c **Md.** Commissioner of land office may employ clerk to index records at salary, \$1000. Adding §2A to C. art.54. 495, 12 Ap 04

Property

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- d **Md.** Amending C. art.54 §33A as to sale of certificate of survey within *2 months* [formerly 60 days] for nonpayment of amount due thereon; procedure for annulment of certificate when owner can not be found for purpose of service of notice. 570, 8 Ap 04

776

Sale. Settlement. Appraisal

- a **La.** Governor to direct register of state land office to survey public unsurveyed lands and plat same for purposes of entry and sale; disposition of proceeds. 86, 4 Jl 04
- b **Md.** Governor, comptroller of treasury, and treasurer may sell, convey or lease to Baltimore city authorities, property of state lying within burnt district. 581, 12 Ap 04

777

Deeds. Titles

- a **Miss.** Amending '02 ch.74 §4 relating to cancelation of land patents: procedure. 131, 25 F 04

778

Tide, shore and swamp lands

- a **Ala.** Granting to trustees of state insane hospitals, unsold swamp and overflowed lands granted to state in 1850; regulations. p.495, 10 O 03
- b **Ia.** State may sell or dispose of abandoned river channels and land within same, also sand bars or islands in navigable waters of state; provision for appointment of boundary commission. 185, 11 Ap 04
- c **Ia.** Executive Council may survey meandered lakes and lake beds; decide on lakes to be retained as state property, and on lake beds to be drained and sold; procedure. 186, 29 Ap 04
- d **Ia.** Executive Council may lease or sell islands in meandered banks of rivers in state; procedure. 187, 29 Ap 04
- e **La.** Governor may execute in behalf of state waivers of claims of certain swamp land grants required by United States. 75, 4 Jl 04
- f **Mass.** State Board of Harbor and Land Commissioners may sell or lease islands in state ponds on approval of governor and Council. 379, 25 My 04

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Timber

- a **N. Y.** Amending Indian law '92 ch.679 §59 relative to removing timber on certain reservations. 475, 28 Ap 04

779

Buildings. Property and supplies

780

Buildings and grounds

- a **Md.** Amending '88 ch.175 §1 providing for appointment of guards for state buildings in Annapolis: governor to appoint assistant superintendent of public buildings and grounds at salary \$720, also additional employees. 152, 25 Mr 04

ADMINISTRATIVE LAW FINANCE

- b N. Y. Municipalities may not alter state architect's plans for state buildings or for plumbing or sewerage connected therewith. Amending public buildings law '93 ch.227 §8. 117, 23 Mr 04
 - c Va. Amending C. §288, 299 defining duties of register of land office acting as superintendent of *grounds and* public buildings; to be under direction of governor; salary [formerly \$1200]. 454 (ex. sess.), 14 D 03
- 781 Capitol**
- a Ala. Appointing Capitol Building Commission to contract for enlargement of capitol; report to Legislature of 1907; \$150,000. p.57, 17 F 03
 - b Ky. Commissioners of Sinking Fund of Kentucky constituted Board of Capitol Commissioners; to erect and complete capitol buildings at Frankfort; reports to governor and Legislature; \$1,000,000. 2, 6 F 04
 - c Miss. Creating permanent Capitol Commission; superintendent may be employed at \$1200 salary to supervise capitol and grounds. 109, 10 Mr 04
 - d Mo. Amending Const. 1875 art.10 by adding section: authorizing $\frac{3}{4}$ mill tax for 5 years for erection of new state capitol. *Rejected November 1904.* p.284, '03
 - e N. J. Salary of custodian of state capitol \$2500 [formerly \$2000]. Amending '94 ch.339 §1. 100, 28 Mr 04
 - f S. C. Joint legislative commission of 5 members to be appointed to direct completion of statehouse according to recommendations of commission appointed in 1903; \$50,000. 374, 25 F 04
 - g Va. Joint committee, consisting of governor, 3 senators and 3 delegates, to supervise enlargement and restoration of state capitol; [replacing joint committee appointed by '02 ch.452 p.465]; \$150,000 additional appropriation. 62, 7 Mr 04

784 Property and supplies generally**787 Contracts and supplies**

- a Md. Board of Public Works to advertise for bids and award contracts annually for supply of stationery etc., required by certain state departments; procedure. 397, 8 Ap 04

790 State institutions

- a N. Y. Amending state finance law '97 ch.413 by adding §40 relative to estimates for staple articles of supplies submitted by state institutions. 448, 27 Ap 04
- b Va. Amending C. §4162 and repealing §4163 relating to purchase of supplies for State Penitentiary and Prison Farm; monthly reports of superintendents. 444 (ex. sess.), 12 D 03

Taxation

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Public works

798

State parks

- a **Mass.** Amending '03 ch.264 §1 relating to Mount Tom State Reservation. 351, 19 My 04

800

Taxation (general)

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing. *See also* 2713, Road taxes

801

General and miscellaneous. State departments

- a **Ala.** Providing for apportionment and collection of taxes in newly formed counties. p.87, 26 F 03
- b **Ala.** Generally amending C. ch.110, '01 p.210 relating to taxation. 48p. p.184, 4 Mr 03; p.295, 30 S 03; p.301, 30 S 03; p.305, 1 O 03; p.371, 1 O 03
- c **Md.** State Tax Commission may employ clerks at salaries of \$1800, \$1500, \$1200 [formerly \$1500, \$1200, \$600] respectively. Amending C. art.81 §132A. 368, 7 Ap 04
- d **Or.** Reenacting '03 p. 295 relative to assessment and collection of taxes; repealing Ann. C. & S. §3098 as to time of filing rate of tax levy with county clerk. p.3, 24 D 03; p.4, 24 D 03
- e **Va.** Generally amending C. §448-532 relating to taxation. 417 (ex. sess.), 10 D 03
- f **Va.** Amending '03 ch.148 §75-147 (ex. sess.) relating to revenue, so as to correct error in section numbering. 20, 19 F 04

807

Separation of state and local taxation

808 Taxation of personal property

- a **Miss.** Exempting bonds of all levee districts of state held by citizens from taxation. 94, 16 Mr 04
- b **N. J.** Tax paid by mortgagor to be credited as interest payment *unless agreed that no reduction be made from taxable value of land by reason of mortgage.* Amending '03 ch.208 §10. 112, 28 Mr 04
- c **N. D.** Submitting amendment to Const. 1889 §176: Legislature may tax grain in storage. *Adopted November 1904.* p.293, 2 Mr 03

809

Exemptions from general property tax

See also under special classes of taxes; also 1632, Encouragement of industries

810

General and miscellaneous

- a **Cal.** Submitting amendment to Const. 1879 art. 13 by adding §101: personal property of every householder to \$100 exempt from taxation. *Adopted November 1904.* p.682, 26 F 03

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- b **Cal.** Submitting amendment to Const. 1879 art. 13 by adding §134: ships or shipping engaged in foreign or domestic navigation or in fisheries exempt from taxation. *Rejected November 1904.*
p.734, 6 Mr 03
 - c **Col.** Submitting amendment to Const. 1876 art.10 §3 relating to exemptions from taxation: repealing provision relating to special assessments; exemption of personal property. *Adopted November 1904.*
74, 8 Ap 03
 - d **N. Y.** State Board of Tax Commissioners to make annual report to Legislature of exempt property of the several counties. Adding §15 to tax law '96 ch. 908 and repealing '00 ch.689.
438, 27 Ap 04
 - e **O.** Land used as site for memorial monument also maintenance fund to be exempt from taxation. Amending R. S. §2732.
p.115, 20 Ap 04
 - f **O.** Submitting amendment to Const. 1851 art.12 §2: state, local government and school bonds to be exempt from taxation. *Vote November 1905.*
p.652, 25 Ap 04
 - g **Or.** Exempting from taxation personalty of aged, infirm and poor, also certain property of householders up to \$300. Adding subdiv. 7, 8 to Ann. C. & S. §3039, '03 p.216.
p.28, 22 D 03
- 812 Charitable, educational and religious institutions and societies**
- a **Cal.** Submitting amendment to Const. 1879 art.9 by adding §12: property of California Academy of Sciences exempt from taxation. *Adopted November 1904.*
p.598, 6 F 03
 - b **Md.** Amending C. art.81 §4 as to exemptions from taxation of incorporated educational and literary institutions. 460, 8 Ap 04

818

Assessment

819

General and miscellaneous. Return by taxpayer

- a **Ala.** Fixing term of office of county tax assessor at 4 years; election; commencement of term.
p.370, 1 O 03
- b **Mass.** Fixing basis of apportionment of state and county taxes.
178, 23 Mr 04
- c **N. J.** Creating city boards of assessment where not provided by charter; cities of 150,000 excepted; powers and duties.
225, 30 Mr 04
- d **N. Y.** Amending town law '90 ch.569 §178 as to compensation of town assessors.
124, 23 Mr 04
- e **N. Y.** Amending tax law '96 ch. 908 §38 as to filing of town assessment rolls.
279, 13 Ap 04
- f **O.** Township assessors serving by appointment to hold office till successors are elected. Amending '04 p.37.
p.62, 31 Mr 04

Assessment

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- g** O. County auditor to fill vacancies in office of assessor in municipality, on failure to elect assessor in ward or precinct or on removal of latter after election. Amending R. S. §1518.
p.75, 7 Ap 04
- h** O. Township trustees to appoint assessor on removal of latter from precinct or township where elected. Amending R. S. §1451.
p.76, 7 Ap 04
- i** Or. School districts, municipalities and *public corporations authorized to levy a tax* to file with county clerk rate of tax levy by Jan. 1 [formerly Sep. 1] proviso. Amending Ann. C. & S. §3098.
p.22, 24 D 03
- j** Va. Amending C. §567-68, 571, 573, 578 relating to erroneous assessment of real and personal property; procedure.
443 (ex. sess.), 12 D 03
- k** W. Va. Revision of C. ch.29 relating to assessment of taxes.
46p. 4, 15 Ag 04

820

Assessment of real estate

- a** Ala. Governing board of county to prepare county map or plat book for tax purposes.
p.416, 10 O 03
- b** Ky. Tax valuation of real property to be taken as on Sep. 1 by county assessor.
130, 26 Mr 04
- c** O. Provision for assessing lands where fee of soil and minerals is not in same person. Adding §2792a to R. S. p.294, 23 Ap 04
- d** O. Provision for appointment of draftsman and assistants to prepare tax maps of county subdivisions; salaries. Amending R. S. §2789a-b.
p.489, 26 Ap 04
- e** Va. Revising C. ch.23 relating to assessment of lands.
388 (ex. sess.), 10 D 03
- f** Va. Amending C. §458 as to listing of property in land books by city and county commissioners of revenue. 27, 19 F 04
- g** Va. Amending C. §444 providing for correction of erroneous assessment of lands. 195, 15 Mr 04
- h** W. Va. Providing for reassessment of real estate to be used as basis for tax levy in 1906; Board of Public Works constituted Board of Review and Equalization; powers and duties. 15, 12 Ag 04

823

Personal property

- a** Ga. Tax returns on *personal* property to be made to county receiver where person resides or office of company is located; property of business corporation conducted on realty to be taxed in county where realty is taxed. Amending C. §826. p.54, 15 Ag 04
- b** Va. Amending C. §504 as to personal property list: identification of persons with same family name; penalty. 26, 19 F 04

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825 **Review. Equalization. Adjustment**

For equalization by state boards, *see also* 801, General and miscellaneous

- a **N. J.** State Board of Taxation to review actions of local assessors and boards of tax review on complaint; *board may on application of property owners correct assessments.* Amending '03 ch.208 §34. 180, 29 Mr 04
- b **N. Y.** County commissioners to examine town assessment valuations biennially or oftener for equalization of taxes. Amending '96 ch.820 §2. 155, 28 Mr 04
- c **N. Y.** Amending tax law '96 ch.908 §35 as to review of assessments on application of nonresident owner. 385, 26 Ap 04
- d **O.** Amending '02 p.481 §3 as to compensation of members of board of review of municipality. p.313, 23 Ap 04

827 **Collection**

- a **Ala.** Fixing term of office of county tax collector at 4 years; election; commencement of term. p.370, 1 O 03
- b **Ky.** Amending '02 ch.128 art.5 §1 relating to payment of state and county taxes by owners of bonded warehouses. 40, 18 Mr 04
- c **Ky.** Board of trustees of towns of 6th class may appoint sheriff as tax collector. Amending '93 ch.196 art.9 §32. 88, 22 Mr 04
- d **Miss.** Amending Ann. C. '92 §3840 and repealing §3852 relating to settlement of retiring tax collector: on failure to pay over taxes, collector to pay damages of 30% and 6% interest on principal and damages. 161, 18 Mr 04; 162, 22 Mr 04
- e **W. Va.** Revision of C. ch.30 relating to collection of taxes. 11p. 5, 13 Ag 04

828 **Refund**

- a **Ala.** Provision for refunding taxes paid erroneously; procedure. p.278, 29 S 03

829 **Delinquent taxes. Tax sales. Redemption**

- a **Ala.** Town tax collectors required to give 30 days notice before charging fees for collection. p.410, 10 O 03
- b **Ga.** Municipal corporations may quitclaim to owner property sold for taxes. Amending C. §735. p.52, 13 Ag 04
- c **Ga.** Amending C. §821 relating to sale of wild lands for delinquent taxes. p.53, 15 Ag 04
- d **Ga.** Amending C. §892 authorizing issue of alias execution for collection of municipal taxes. p.55, 13 Ag 04
- e **N. J.** Amending '03 ch.208 §44, 51 as to sale of goods and chattels, also of real property for delinquent taxes. 75, 28 Mr 04
- f **N. J.** Cities under 12,000 may elect collector of delinquent taxes for 1 year. 179, 29 Mr 04

Delinquent taxes

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- g N. J. Unpaid taxes to be determined by Chancery Court, when records destroyed; procedure; lien; costs and fees. 187, 29 Mr 04
- h N. J. Proceedings for purchase of land under tax sale may be completed by guardian of minor when purchaser dies. Supplementing '86 ch.112. 190, 29 Mr 04
- i N. J. Board controlling city finances to make settlement of taxes when lien of city is questioned; procedure. 207, 30 Mr 04
- j N. J. Lands sold for taxes and not redeemed, subject to proceedings defined by '86 ch.112. 208, 30 Mr 04
- k N. Y. Amending village law '97 ch.414 §120 requiring notice of tax sales to be published in *official* [formerly every village] newspaper. 34, 1 Mr 04
- m N. Y. Amending village law '97 ch.414 §133 relating to tax sales [formerly in villages of 5000]. 101, 18 Mr 04
- n N. Y. Amending tax law '96 ch.908 §152 as to costs of publishing notices for redemption of tax lands sold by county treasurer. 535, 29 Ap 04
- p N. C. Providing for ipso facto forfeiture of swamp lands granted by the state, on arrearage of taxes. 243, 2 Mr 89. *Unconstitutional*. Deprives of property without process of law. *Parish v. East Coast Cedar Co.*, 45 S. E. 768 (1903).
- q O. Amending R. S. §2847 relating to payment of taxes by other than owner: certificate of authority from owner to be filed in *separate book* by county recorder. p.100, 19 Ap 04
- r O. Amending R. S. §1104 relating to enforcement of lien for unpaid taxes. p.403, 25 Ap 04
- s Or. Tax lands to be sold to bidder accepting lowest rate of interest *not exceeding 10%*. Amending Ann. C. & S. §3122. p.24, 23 D 03
- t S. D. Receipt of taxes for any year not to be issued till all prior taxes paid. 150, 30 Ja 90. *Unconstitutional* as to §3, making receipt conclusive evidence of payment. Deprives county of property without process of law. *Harris v. Stearns*, 97 N. W. 361 (1903).
- u Va. Generally amending C. ch.28 relating to procedure in sale of delinquent tax lands. 452 (ex. sess.), 12 D 03
- v Va. Amending C. §623 relating to distress made by local treasurer for taxes and levies. 589 (ex. sess.), 11 Ja 04
- w Va. Amending C. §607-8 relative to delinquent tax lists. 94, 10 Mr 04
- x Va. Fixing date from which interest shall be charged on unpaid taxes. 118, 12 Mr 04
- y Va. Amending C. §637 as to posting and publication of delinquent tax lists. 125, 12 Mr 04

831

Poll taxes*See also* 132, Suffrage; 2714, Roads

- a Ala. Regulating collection of poll taxes. p.42, 12 F 03
- b Ala. County tax collectors to file annually with judge of probate lists of paid poll taxes. p.394, 6 O 03
- c Va. Real estate may not be sold for payment of state poll tax till 3 years past due. Amending '96 ch.380. 338 (ex. sess.), 3 D 03
- d Va. Prescribing manner in which registered voter not assessed with state poll tax may pay tax. 342 (ex. sess.), 4 D 03
- e Va. Provision for posting lists of persons who have paid state poll taxes; compensation; regulations; penalties. 89, 10 Mr 04

832 Business taxes. Revenue, license or privilege taxes*See also* 842, Incorporation taxes; 906, Liquor licenses; 1530, Regulation and licensing of trades and occupations

833

General. Business and privilege taxes

- a Ky. Repealing '02 ch.128 art.10 §54 which requires wholesale dealers in mineral waters to pay license tax. 54, 21 Mr 04
- b Ky. Fixing license tax to be paid by manufacturers of single stamped spirits; annual report to auditor of public accounts. 104, 24 Mr 04
- c Ky. Repealing '02 ch.128 art.10 §32 as to provision which imposes license tax on manufacturers of tobacco. 129, 26 Mr 04
- d La. Imposing license tax on dealers in pistols and pistol cartridges. 83, 9 Jl 00. *Unconstitutional*. Violates Const. 1898 §229, requiring license imposed to be graduated. *State v. Rittenburg*, 36 S. 330 (1904).
- e La. Wholesale and retail license tax to be levied on pistol and rifle cartridges, based on annual gross sales. 65, 29 Je 04
- f La. Municipalities levying license taxes for local improvements equal to those levied by police juries for same purposes to be exempt from parish licenses. 142, 6 Jl 04
- g Miss. General privilege or occupation tax law. 29p. Repealing '98 ch.5. 76, 16 Mr 04
- h N. C. Fixing taxes to be paid by dealers in various commodities. 9, 15 Mr 01. *Unconstitutional* as to §52 imposing tax on sale of sewing machines in state. Interference with interstate commerce, as applied to sale of machine shipped into state *C. O. D. Norfolk & W. Ry. Co. v. Sims*, 191 U. S. 441 (1903).
- i S. C. Confederate veterans exempt from paying licenses. 252, 25 F 04
- j Va. Amending C. §555, 559 as to attendance of license commissioners at terms of court and as to *assignment of license by personal representative of deceased licensee*. 356 (ex. ssess.), 8 D 03

Corporation taxes

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- k Va. Exempting certain persons conducting business at religious gatherings from license tax. 100, 10 Mr 04
 - m Wash. Amending tax law. 141, 6 Mr 99. *Unconstitutional* as to §12, relating to certain deduction to itinerant merchants paying tax in previous year. Grants special privileges and immunities; taxes must not be commuted. *Nathan v. Spokane County*, 76 P. 521 (1904).
 - n W. Va. Revision of C. ch.32 relating to business license. 25p. 3, 13 Ag 04
- 834 Miscellaneous occupations, etc.
- a Md. Gipsies to obtain license to ply craft from clerk of Circuit Court of county; \$50 fee for each county; prosecution; 3 counties excepted. 485, 8 Ap 04
 - b Va. Imposing license tax on gipsies and like strolling companies; \$500 to be paid to authorities of each county, where practicing their craft. 69, 7 Mr 04

836

Inheritance taxes

- a Ia. Fixing tax rate on collateral inheritances passing to aliens. Amending C. §1467. 51, 6 Ap 04
- b La. Providing for levy of inheritance tax for support of public schools according to Const. 1898 §235-36; exempting property having paid just proportion of taxes prior to time of inheritance; method of payment; collection and distribution. 45, 28 Je 04
- c Md. Collateral inheritance tax to be lien on real estate for 4 years after death of decedent [formerly till paid]; defining powers of Orphans Court. Amending C. art.81 §113-16. 222, 1 Ap 04
- d Mass. State treasurer and receiver general on approval of attorney general may effect settlement of taxes on collateral legacies or successions in certain cases. 421, 3 Je 04
- e O. Providing for inheritance tax of 2% on estates over \$3000 passing to lineal heirs including brothers and sisters; procedure. p.398, 25 Ap 04
- f W. Va. Revision of C. ch.33 relating to tax on collateral inheritances. 9p. 6, 12 Ag 04

840

Corporation taxes

Including taxation by general property tax

841

General and miscellaneous

- a La. Amending '98 ch.106 §7 relating to suit for reduction of assessment of State Board of Appraisers; suit to be brought in *East Baton Rouge parish* [formerly at place of domicile of corporation making complaint]. 70, 1 Jl 04
- b Mass. Assessors to return annually to state tax commissioner names of foreign corporations having place of business within city or town. Amending R. L. ch.12 §93. 181, 26 Mr 04

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- c **Mass.** Amending '03 ch.437 §74 relative to taxation of domestic business corporations. 261, 25 Ap 04
- d **Mass.** Relating to assessment of taxes on corporations liable to franchise tax; effect of abatement of taxes by local authorities. 442, 8 Je 04
- e **N. J.** Corporations voided for nonpayment of taxes may be reinstated on payment of reasonable sum in lieu of said taxes; certain public service corporations excepted. Supplementing '06 ch.187. 219, 29 Mr 04
- f **O.** Capital stock of any *foreign* corporation not to be taxed on proof that two thirds of property of corporation is taxed within state and remainder elsewhere. Amending R. S. §148c. p.496, 27 Ap 04
- g **Va.** Providing remedy for erroneous tax assessments made by State Corporation Commission; procedure. 514 (ex. sess.), 31 D 03
- h **Va.** Providing for relief of corporations from erroneous taxation. 231, 15 Mr 04

842 **Incorporation and license fees and taxes**

- a **N. J.** Regulating licensing and taxing of foreign corporations. 221, 29 Mr 04
- b **S. C.** General law requiring annual reports and license fees from corporations. 269, 29 F 04

843 **Banking institutions**

See also 1677, Banking

- a **Ky.** Providing for taxation of shares of national banks; creating Board of Assessment; basis of valuation; annual report to be filed with auditor of public accounts by Mar. 1. 66, 21 Mr 04
- b **Md.** Savings banks with capital of \$20,000 subject to tax laws of state and receiving time deposits only at fixed rate of interest to be exempt from franchise tax. Adding §86B to C. art.81. 212, 1 Ap 04
- c **O.** Amending R. S. §2762, 2765-66, 2808-10 relating to taxation of banks: capital of unincorporated bank not divided into shares to be taxed at true value in money. Repealing §2759-59a, 2760-61. p.279, 23 Ap 04
- d **Va.** Undivided profits when paid to banking and trust company stockholders to be deducted from aggregate value of stock for tax purposes. Amending '03 ch.148 §17 (ex. sess.). 435 (ex. sess.), 12 D 03
- e **Va.** Building and loan associations exempted from franchise tax. Amending '03 ch.148 §43 (ex. sess.). 34, 23 F 04
- f **Va.** Building and loan associations to pay annual state franchise tax. Amending '03 ch.148 §43 (ex. sess.), '04 ch.34. 148, 14 Mr 04

844

Insurance companies

See also 1730, Insurance

- a **Neb.** Providing mode of taxation of insurance companies. C. S. '01 §4319. *Unconstitutional* in so far as it exempts from taxation personal property of insurance companies; violates Const. 1875 art.9 §1, providing for levying of taxes by valuation, and uniformity of taxation. *State v. Insurance Co. of North America*, 99 N. W. 36 (1904).
- b **Neb.** Net receipts of insurance companies to be taxed in lieu of other tax on realty and fees imposed by G. S. '73 ch.33 §32. C. S. '01 §4319. *Unconstitutional* in so far as it exempts companies from taxation on personalty. Not within constitutional exemptions. *State v. Insurance Co. of North America*, 100 N. W. 405 (1904).
- c **N. Y.** Life insurance companies organized outside United States to pay annual tax of 1% on cash premiums within state, not taxed in other state. Amending insurance law '92 ch.690 §34. 708, 11 My 04
- d **O.** Providing for suit by attorney general against foreign insurance companies failing to pay tax after notice; penalty. Amending R. S. §2745. p.401, 26 Ap 04
- e **S. C.** Tax of $\frac{1}{16}$ % on gross receipts of insurance companies. 274, 24 F 04
- f **Va.** Amending '03 ch.148 §25 as to exemption from taxation of life insurance companies not carrying on business for profit. 61, 7 Mr 04

845

Transportation and transmission corporations

See also 1200, Transportation

- a **Ia.** Telegraph and telephone companies to file annual financial statement with *Executive Council* [formerly auditor of state] for assessment purposes; certification of county assessment. Amending C. §1328-29, 1330b. 44, 24 Mr 04; 45, 6 Ap 04
- b **Ia.** Amending C. §1334 requiring railway corporations to file annual statement with Executive Council. 46, 30 Mr 04
- c **Ia.** Amending C. §1342b, 1342d as to financial statement and assessment of freight line and equipment companies. 47, 13 Ap 04
- d **Ia.** Telegraph and telephone companies to file annually with county auditors maps of lines within each county for assessment purposes; regulations. 49, 6 Ap 04
- e **Ia.** Executive Council to classify railway corporations for tax purposes; *Council* [formerly governor] to issue certificates on change of classification. Amending C. §2078. 75, 30 Mr 04
- f **Ia.** Providing for assessment of telephone and telegraph companies; Executive Council to deduct amount locally assessed and to assess remainder at average rate. C. §1330, 1331. *Unconstitutional*. Violates Const. 1857 art.8 §2, requiring corporate property to be

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taxed the same as that of individuals. *Layman v. Iowa Telephone Co.*, 99 N. W. 205 (1904).

g Ky. Railroad bridges spanning state boundary line to be assessed by State Railroad Commission. 41, 19 Mr 04

gr Minn. Submitting to people proposition to increase gross earnings tax on railroads from 3% to 4%. *Adopted November 1904.*

h N. Y. Amending '96 ch.908 §42 as to dates for filing assessments of special franchises in certain cities. 253, 18 Ap 03 382, 26 Ap 04

i O. Extending to heating, cooling and water transportation companies provisions of R. S. §2780 subdiv.17-23 relative to listing of personal property. p.324, 25 Ap 04

j O. Providing for listing, appraisalment and equalization of suburban and interurban electric railroad companies; appointing county boards of appraisers and assessors; powers and duties; creating State Board of Equalization for electric railroads.

k Tenn. General revenue act. 1, 29 Mr 87. *Unconstitutional* as to §5 imposing car tax on sleeping car companies. Regulation of interstate commerce. *Allen v. Pullman Co.*, 191 U. S. 171 (1903). p.572, 6 My 04

m Tenn. General law providing for assessment and collection of taxes. 257, 16 Ap 03. *Unconstitutional* as to section which renders street car and railroad companies leasing or selling advertising privileges, liable for tax imposed on such advertising. Deprives of property without due process of law. *Knoxville Traction Co. v. McMillan*, 77 S. W. 665 (1903).

n U. Amending tax law as to railroads and mines and as to duties of State Board of Equalization. 68, 9 Mr 99. *Unconstitutional* in so far as it empowers state board to assess railroads wholly within one county. Deprives of local self-government. *State v. Eldridge*, 76 P. 337 (1904).

p Va. Telephone companies with less than \$5000 capital exempted from franchise tax; railroad companies furnishing electricity or steam to pay franchise tax: mode of assessment. Amending '03 ch.148 §43 (ex. sess.), '04 ch.34. 148, 14 Mr 04

846

Mining

a Va. Repealing C. §472 relating to assessment of mineral-bearing lands. 417 (ex. sess.), 10 D 03

b Va. Repealing '03 ch.217 (ex. sess.) which provided for separate assessment of mineral lands, and of improvements thereon. 455 (ex. sess.), 15 D 03

848

Budget

849

General

a Ala. Fixing rate for state taxation at 6½ mills. p.148, 4 Mr 03

Accounts

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- b Ga. Submitting amendment to Const. 1877 art.7 §1 by adding
[2: Legislature may levy annual ad valorem tax on property not to
exceed 5 mills on \$1. *Adopted October 1904.* p.21, 17 Ag 03
 - c Ky. Amending '02 ch.128 art.1 §1 reapportioning annual tax
levy. 18, 4 Mr 04
 - d Md. Amending C. art.81 §22 providing for readjustment of
annual tax rate. 343, 7 Ap 04
- 851 Appropriation. Limit of expenditure
- a Va. Repealing C. §202 which prohibited Legislature from ap-
propriating money by resolution only. 458 (ex. sess.), 17 D 03
 - b W. Va. State institutions, and boards or officials of state,
county or school district not to divert appropriations, or incur
indebtedness beyond appropriation. 16, 12 Ag 04
- 853 Accounts, methods generally. Collection of moneys,
warrants
- a Va. Amending C. §754, 765, 768, 774 as to interest on deposits,
claims against State Corporation Commission and accounts of
court expenses. 441 (ex. sess.), 12 D 03
- 854 Collection of state claims and revenue
- a Ala. Providing for transfer to state treasury of money wrongly
paid into county treasury. p.159, 5 Mr 03
 - b Ala. Governor may employ agents to recover money due state
on account of Spanish War. p.161, 4 Mr 03
 - c La. Sheriffs and tax collectors to make monthly settlements
with state auditor of public accounts. 136, 5 Jl 04
 - d N. Y. Attorney general may submit case on agreed statement
of facts to court of record, agree to appointment and compensa-
tion of referee and employ counsel to recover state property.
Adding subdiv.7 to executive law '92 ch.683 §52. 179, 30 Mr 04
 - e W. Va. Auditor may settle with sureties of sheriff or assessor
in certain cases. Amending C. ch.35 §40. 10, 12 Ag 04
- 855 Claims against state
- a N. Y. Term of judge of Court of Claims to hold over till suc-
cessor has qualified. Amending C. C. P. §263. 16, 1 Mr 04
- 857 Financial officers
- a S. C. Estate of deceased officer to pay over funds within 12
[formerly 2] months. Amending C. C. §605. 194, 11 F 04
 - b Tenn. Submitting amendment to Const. 1870 art.7 §3: state
treasurer and comptroller to be *elected by qualified voters* [formerly
by joint vote of Legislature]; term 4 [formerly 2] years. *Rejected*
November 1904. 532, 2 Ap 03

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858 State auditor. Comptroller

- a Ky. \$3000 for additional clerk hire in department of auditor of public accounts. 24, 9 Mr 04
- b Miss. Office of auditor of public accounts to be open from 9 a.m. to 5 p.m.; [formerly closed from 12 m. till 2 p.m.]. Amending Ann. C. '92 §225. 139, 19 F 04
- c N. J. Creating office of state auditor to be attached to office of comptroller of treasury; to audit accounts of officials, departments, boards and commissions; governor may direct examination. Supplementing '65 ch.212. 198, 29 Mr 04
- d O. Auditor of state to appoint *deputy auditor of state* [formerly chief clerk]; bond; powers and duties. Amending R. S. §169-71. p.74, 7 Ap 04
- e Va. Salary of auditor of public accounts, \$4000 [formerly \$3000]. Amending '03 ch.62 §183 subdiv.4 (ex. sess.). 470 (ex. sess.), 18 D 03
- f W. Va. Fixing fees of auditor; monthly and annual reports to secretary of state. 13, 11 Ag 04

859 State treasurer

- a Ala. State treasurer may employ 3 clerks at salary, \$1500 each. p.154, 4 Mr 03
- b Ia. \$2000 annual appropriation for payment on bond of state treasurer and deputy state treasurer. 4, 9 Ap 04
- c Ky. \$1500 for additional clerk hire in office of state treasurer. 27, 12 Mr 04
- d Miss. Office of state treasurer to be open from 9 a.m. to 4 p.m. [formerly 9 to 12 a.m. and 2 to 5 p.m.]. Amending Ann. C. '92 §4203. 169, 19 F 04

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- a La. Amending '94 ch.36 §1 as to publication of financial reports of state or district boards disbursing public funds. 175, 6 Jl 04

863 State institutions

- a W. Va. Amending C. ch.17 relating to financial transactions of public institutions; form of requisitions; methods of accounting; examination of accounts; summary to be included in biennial report of auditor to governor. Adding §20-23. 17, 12 Ag 04

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- a N. Y. Duplicate checks in lieu of treasurer's checks lost or destroyed may be executed by treasurer and comptroller. Amending state finance law '97 ch.413 §5. 95, 18 Mr 04
- b Va. Amending '90 ch.24 relative to issue of duplicate warrants by auditor of public accounts: duplicates may [formerly may not] be issued exceeding \$200 in value. 347 (ex. sess.), 8 D 03

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- c **S. C.** Checks outstanding 2 years to be written off books; may be reissued on proof of nonpayment. 282, 25 F 04

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- a **Ark.** Submitting amendment to Const. 1874 art.16 §1: state or local division may not loan credit, or local divisions may not issue local government bonds; cities over 2500 excepted. *Adopted November 1904.* p.484, 8 Ap 03
- b **Mass.** Regulating issue of state bonds by treasurer of commonwealth; exceptions. 263, 25 Ap 04
- d **Va.** Revision of C. ch.22 relating to public debt. 16p. 461 (ex. sess.), 17 D 03
- e **Va.** Amending C. §420-21 as to use of sinking fund in buying up state bonds; procedure. 84, 8 Mr 04

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- a **N. J.** Amending '00 ch.12 providing for meeting deficit caused by erroneous apportionment of state and county taxes.

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- a **Id.** Relating to state deposits and depositories: State Board of Deposits created. p.375, 4 Mr 03. *Unconstitutional.* Subject not fairly indicated in title. *State v. Coffin*, 74 P. 962 (1903).
- b **Ia.** Depository of public funds to pay interest on same to state; rate to be fixed by treasurer and depository on approval of Executive Council. Amending C. §113. 3, 31 Mr 04
- c **Miss.** State or county officer may not carry or deposit public funds without state; penalties. 107, 22 Mr 04
- d **N. Y.** State depositories to file bond. Amending state finance law '97 ch.413 §8. 97, 18 Mr 04
- e **O.** Creating Board of Deposit to designate banks and trust companies for state depositories; latter to deposit with state treasurer bonds equal to amount deposited; regulations. p.535, 3 My 04
- f **Va.** Designating certain additional state depositories. Amending C. §753. 341 (ex. sess.), 3 D 03
- g **Va.** State depositories to pay 2½% on daily balances. Amending C. §753. 258, 15 Mr 04

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- a **Ky.** County judge on recommendation of any Chautauqua association may appoint special policemen. 58, 21 Mr 04

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- b O. Providing penalties for impersonating peace officer. Adding §3913a to R. S. p.319, 25 Ap 04
- c S. C. Amending C. C. §833-35 providing for appointment of special peace officers in industrial communities of 50 [formerly 100] or more. 237, 22 F 04

874 State and county police

- a Mass. Abolishing fire marshals department under Department of District Police: transferring powers and duties, also officers, except deputy chief, to detective department and reorganizing latter. Repealing '02 ch.142 §2, 3, '03 ch.365 §1. 433, 8 Je 04
- b O. Amending R. S. §409 subdiv.56 as to date of payment of annual tax on insurance companies to defray expenses of state fire marshal's department. p.418, 25 Ap 04
- c Va. Circuit [formerly County] Court may appoint special police force of 2 [formerly 12] persons. Amending C. §3922. 485 (ex. sess.), 24 D 03

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876 Pensions

- a Mass. Towns on two thirds vote at annual town meeting may retire on half pay members of police department incapacitated through service, or members, 60 years of age, after 25 years of continuous service; emergency service may be required. 327, 13 My 04
- b Mo. Amending Const. 1875 art.4 §47: Legislature may authorize cities of 100,000 to provide pensions for disabled and superannuated policemen and relief for their widows and minor children. *Rejected November 1904.* p.279, '03
- c O. Amending R. S. §1536 subdiv.597 relating to police relief fund: membership of board of trustees; rate of tax levy. p.241, 23 Ap 04

877 Miscellaneous police regulations

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879 Amusements

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883 Gambling. Lotteries. Betting

- a Ark. Misdemeanor to keep gambling devices or rent building for gambling; penalties; responsibility of city and town officials; penalty for granting immunity. 67, 27 Mr 01. *Unconstitutional.* Not passed by Legislature according to constitutional requirements. *Rogers v. State*, 82 S. W. 168 (1904).
- b Md. Amending C. art.27 §129 providing penalty for certain kinds of gambling. 183, 29 Mr 04

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- c N. Y. Witness in gambling prosecutions not to be excused from testifying on grounds of self-incrimination; testimony not to be used against him. Amending Pen. C. §342. 649, 9 My 04
- d S. C. Slot machines unlawful: machines giving certain, uniform and fair returns excepted. 241, 25 F 04
- e S. C. Municipal officers may break open gambling rooms. 286, 1 Mr 04
- 887 Poolselling, bookmaking etc.
 - a La. Misdemeanor to open or operate turf exchanges. 127, 5 J1 04
 - b La. Misdemeanor to open or conduct poolrooms. 128, 5 J1 04
- 891 Racing
 - See also 887, Poolselling*
 - a S. C. Prohibiting entering horse under assumed name, disguised or out of class. 296, 12 Mr 04
- 895 Cruelty to children and animals
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 - b Ia. Prohibiting docking of horses; penalties. 135, 31 Mr 04
 - c N. J. Misdemeanor to shoot at live pigeons, etc. or to lease building, room, field or premises for such purposes. 1 (ex. sess.), 12 Ap 04
- 900 Intoxicating liquors. Narcotics
 - See also 998, Adulteration*
- 902 Prohibition
- 903 Dispensaries
 - a Ala. Misdemeanor to sell liquor in town with dispensary. p.373, 1 O 03
 - c S. C. Miscellaneous amendments to '96 ch.61 relating to county dispensaries. 276, 25 F 04
- 904 Local option
 - a Ga. Amending C. §1541 relative to calling of special election for submitting question of local option; petition to be signed by *one third* [formerly one tenth] of electors of county; regulations. p.62, 15 Ag 04
 - b Ky. Liquors not to be sold by wholesale in local option districts; manufacturers excepted; penalties. 76, 22 Mr 04
 - c Miss. Amending Ann. C. '92 §1610 relating to local option by counties: special election not to be held within 2 months of any state, district or county election held under primary election laws; proceedings in case of withdrawal; petition being defeated not to be filed again for 2 years. 147, 21 Mr 04
 - d O. Providing for local option in residence districts of municipalities on petition of 40% of electors; manner of holding special election; not to be reheld for 2 years; regulations. p.87, 19 Ap 04

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- e Or. Providing for local option liquor law. 14p. Proposed by initiative petition and adopted June 6, 1904.
- f Va. Contests of local option elections to be determined by Circuit Court or Corporation Court of city or town; procedure. 328 (ex. sess.), 28 N 03
- g Va. Amending C. §581, 585 as to local option elections in towns. 361 (ex. sess.), 10 D 03
- h Va. Amending C. §585 as to holding of subsequent local option elections. 3, 2 F 04
- i Va. Relating to enforcement of local option laws: defining jurisdiction of courts as to water courses lying between counties. 207, 15 Mr 04

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- a Ga. Regulating sale of domestic wines: retail dealers to pay license to city or county authorities. p.98, 13 Ag 04
- b Ia. Mulct tax receipts to be recorded by county treasurer and county auditor; semiannual settlement with county supervisors; manner of payment. Amending C. §2437-38. 83, 15 Mr 04
- c O. Providing for disposal of surplus liquor tax not used for support of city infirmary. Adding §4364 subdiv. 9a to R. S. p.286 23 Ap 04
- d Va. Auditor of public accounts may refund money to applicant for liquor license in case same is refused by town council on granting of license by County or Circuit Court. 468 (ex. sess.), 18 D 03
- e Va. Restricting sale of liquors by social clubs taxed for such purpose. Amending '03 ch.148 §144 (ex. sess.) and repealing '08 ch.443. 517 (ex. sess.), 31 D 03
- f Va. Amending '03 ch.148 §143 (ex. sess.) relating to liquor licenses. 579 (ex. sess.), 6 Ja 04
- g Va. Amending '03 ch.517 (ex. sess.), '04 ch.20 relating to licensing of social clubs to sell liquors; Sunday selling, and games of chance and slot machines prohibited; penalties. 116, 12 Mr 04
- h Va. Provision for refunding money to liquor dealers deprived of licenses by local option election or by establishment of dispensary. 165, 14 Mr 04

908 Excise boards

- a N. J. Excise boards in cities of 150,000 may appoint 2 license inspectors to each city and prescribe duties. Supplementing '03 ch.189. 162, 29 Mr 04
- b N. Y. Salary of special agent to be \$1000, \$1250 and \$1500 for 1st, 2d and 3d year respectively [formerly \$1200]. Amending liquor tax law '96 ch.112 §10. 348, 16 Ap 04

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- a **Ky.** Amending '02 ch.128 art.10 §25 fixing hotel license fee for re-tailing liquors \$160 [formerly \$235]. 87, 22 Mr 04

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912 Restricted localities

- a **N. Y.** Amending liquor law '96 ch.112 §24 subdiv.2 prohibiting sale of liquors in certain places; exception. 485, 28 Ap 04

915 Sunday sales

- a **Ala.** Prohibiting liquor selling on Sunday; penalties. p.64, 23 F 03
- b **Va.** Amending C. §3804 prohibiting sale of intoxicating liquors on Sunday; fine \$100 to \$500 [formerly \$10-\$500] and revocation of license. 249, 15 Mr 04

916 Illegal traffic

- a **Ia.** Defining procedure in case of injunction to suppress illegal sale of liquors. Amending C. §2406. 82, 7 Ap 04
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- c **Mass.** Abolishing fees for complainant against police officer failing to enforce law relative to sale of intoxicating liquor. Amending R. L. ch.100 §86. 122, 27 F 04

921 Intoxication. Inebriates

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922 Institutions. Treatment

- a **Ia.** Establishing State Hospital for Inebriates, in former Industrial Home for Adult Blind, at Knoxville; to be used for detention and treatment of dipsomaniacs, inebriates and those addicted to drugs; organization and management; \$125,000. 80, 6 Ap 04

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- a **N. J.** Misdemeanor to sell cigarettes or tobacco to minors under 14. Supplementing '98 ch.235. 163, 29 Mr 04

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- a **Md.** Regulating sale or prescription of cocain, eucain, morphin and their compounds; penalties. 607, 12 Ap 04
- b **N. J.** Regulating sale or prescription of cocain and its compounds; penalties. 76, 28 Mr 04
- c **Va.** Pharmacist may not sell opium or its compounds except on prescription of physician, dentist or veterinary surgeon; prescription not to be refilled. Amending C. §1764. 175, 14 Mr 04

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- b **O.** Mayors of municipal corporations may close saloons during riots; penalties. Adding §3096a to R. S. p.142, 21 Ap 04

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- a **Ala.** Misdemeanor to play baseball, football, tennis or golf on Sunday. p.281, 28 S 03
- b **Mass.** Prohibiting hunting of birds, *wild animals* or game on Lord's day; penalties. Amending R. L. ch.92 §1. 176, 22 Mr 04
- c **Mass.** Amending R. L. ch.98 §1-2, 5, ch.102 §172-73 as to entertainments for religious or charitable purposes given on Lord's day. 460, 9 Je 04
- d **Va.** Appeals from conviction for violation of Sabbath may be taken within 10 days to Corporation or Hustings Court, or Circuit Court. Amending C. §3799. 43, 2 Mr 04

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- a **Ala.** Misdemeanor to violate health or quarantine laws. p.418, 10 O 03
- b **Ala.** Revision of health law. 14p. p.499, 9 O 03
- c **Ind.** Amending '91 ch.15 establishing State Board of Health; local boards and regulations. 16, 7 F 99. *Unconstitutional*. Fails to set out in title full title of amended act. *Hendershot v. State*, 69 N. E. 679 (1904).
- d **Ia.** Amending C. §2564 as to time of meetings of State Board of Health. 97, 24 Mr 04
- e **Ky.** Amending '93 ch.185 §9 relative to appointment, powers and duties of county boards of health. 35, 18 Mr 04
- f **Miss.** State Board of Health to consist of 13 [formerly 12] physicians to be appointed by the governor, from each congressional district and 5 from state at large. Amending Ann. C. '92 §2267. 150, 12 F 04
- g **N. J.** Recorders and police justices to have jurisdiction over actions to enforce ordinances of local health board; disposition of fines. 127, 28 Mr 04
- h **N. J.** Appointment, powers and duties of boards of health in cities of 150,000. 189, 29 Mr 04
- i **N. Y.** Amending public health law '93 ch.661 relative to powers of State Department of Health. 484, 28 Ap 04

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- j O. Amending R. S. §1536 subdiv.727 relating to local health officers and appointees: appointments by local board to be made *with consent of council*; care of poor sick with contagious diseases by ward physicians. p.331, 25 Ap 04

934 Local boards and officers

- a La. Amending '98 ch.192 §5, '02 ch.150 §4 relating to appointment of local boards of health: members of municipal board not to hold any official position in town or city; term 4 years [formerly during term of body by which elected]; *board* [formerly local authorities] to fix salary of chairman and secretary. 184, 7 Jl 04
- b O. Amending R. S. §1536 subdiv.598 relating to sanitary police pension fund: rate of tax levy. p.241, 23 Ap 04
- c O. Council of city may require board of public service to act as board of health for city. Amending R. S. §1536 subdiv.723. p.460, 26 Ap 04
- d Va. Amending '00 ch.1146 §5, as to appointment of county and city boards of health by judges of Circuit and Corporation Courts. 487 (ex. sess.), 24 D 03
- e Va. Amending '00 ch.1146 §5 as to appointment of local boards of health by *circuit* [formerly county] or corporation judges. 35, 27 F 04

936 State laboratories

- a Ia. Establishing State Bacteriological Laboratory connected with medical department of State University at Iowa City; to make scientific analyses and investigation under direction of State Board of Health; \$6000 biennial appropriation. 101, 12 Ap 04

938 Vital statistics

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- a Ia. State Board of Health to serve as state registrar of vital statistics; appointment of local health officers as subregistrars; burial and removal permits; birth certificates; monthly reports by subregistrars to state board. 100, 13 Ap 04
- b N. Y. Amending public health law '93 ch.661 §22 as to birth certificates. 392, 26 Ap 04
- c W. Va. Amending C. ch.63 §18-26, 34-35, 39 relating to vital statistics: births and deaths to be reported to *clerk of county court* [formerly assessor] and transmitted to *registrar of vital statistics* [formerly auditor]; *State Board of Health* [formerly auditor] to prepare blanks. Repealing §30-33. 12, 12 Ag 04

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942 Medical societies

- a N. Y. Authorizing consolidation of Medical Society of New York and New York State Medical Association. 1, 21 Ja 04

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- b N. Y. Constitution and bylaws of county medical societies to conform to those of Medical Society of State of New York; *provided that county medical societies have control of real and personal property.* Amending '13 ch.94 §14, and repealing §5, 7. 544, 3 My 04
- c N. Y. Amending '85 ch.379 §1 relating to membership in Medical Society of State of New York. 549, 3 My 04

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- c Ia. Physicians registered in other states may be admitted to practice without examination in certain cases; reciprocal proviso. Amending C. §2582. 102, 15 Mr 04
- d Ky. Revision of '93 ch.179 regulating practice of medicine: State Board of Health to license on diploma *and examination*; osteopathy excepted; examinations to be prepared by committee representative of different medical schools; reorganization of state board; prohibitive license for itinerant doctors. 34, 18 Mr 04
- e N. Y. Amending public health law '93 ch.661 §152 regulating practice of medicine: physicians serving *without salary* on medical staff of hospitals excepted. 211, 4 Ap 04
- f N. C. Amending C. §3122 defining practice of medicine and surgery: applicants of other than regular school to be examined only on subjects taught in own college; proviso; osteopaths to be admitted as regular practitioners. 697, 9 Mr 03. *Unconstitutional.* Not within police power; deprives patient of choice; fosters monopolies. *State v. Biggs*, 46 S. E. 401 (1903).
- g S. C. Revising law regulating practice of medicine. Repealing C. C. §1112. 292, 27 F 04

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- a Ky. Osteopathists to be licensed to practise without examination by State Board of Health on diploma of college offering 4 terms of 5 months each. 34, 18 Mr 04

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- a Ga. Amending C. §1492 relating to State Board of Pharmacy: druggists connected with schools of pharmacy ineligible to membership; *semiannual* [formerly annual] meetings; issue of *permanent* licenses. p.59, 15 Ag 04; p.60, 12 Ag 04; p.61, 13 Ag 04
- b N. Y. State Board of Pharmacy to license to practise on examination and diploma of accredited school *requiring for entrance, examination in subjects equivalent to 12 Regents counts*. Amending '00 ch.667 §194 subdiv.6. 554, 3 My 04

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- b N. J. Amending '01 ch.85 §2 defining impure drugs. 171, 29 Mr 04

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- a Ala. Retailers to record sales of poison, quantity, purchaser and date of sale; penalties. Amending C. §3254. p.372, 1 O 03

955 Adulteration. Inspection of articles liable to affect public health

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- a Ky. Amending '00 ch.13 §8 as to fees for analysis of adulterated foods: annual expenditure limited to \$10,500 [formerly \$7500]. 63, 21 Mr 04
- b N. J. Municipal board of health may designate from sanitary inspectors, 1 or more inspectors of foods and drugs. Supplementing '01 ch.85. 211, 30 Mr 04
- c O. Amending R. S. §409 subdiv.9, 10, 14 relating to dairy and food department: commissioner may appoint 2 assistant commissioners [formerly 1] at \$1000 salary; extending provisions of law to include linseed oil; inspectors of department given power of entry and search in prosecution. p.30, 4 Mr 04
- d O. Salary of dairy and food commissioner, \$3500 [formerly \$2000]; expense allowance limited to \$750 a year. Amending '94 p.156 §1. p.64, 1 Ap 04
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960 Milk and milk products

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- a Ia. Amending C. §2515 fixing salary of deputy and 2 assistant dairy commissioners [formerly 1] at \$1200 [formerly \$1000].

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965 Butter. Imitation and adulteration. Oleomargarin

- a W. Va. Requiring oleomargarin to be colored pink. 8, 16 F 91.
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- a N. Y. Amending '93 ch.338 §33 requiring manufacturers to brand *or label* cheese. 27, 1 Mr 04
b O. Cheese containing less than 30% [formerly 20%] of pure butter fat to be labeled skimmed cheese; penalty for selling or *exposing* same for sale. Amending R. S. §4200 subdiv. 21, 23.

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- a N. J. State Board of Health may apply to Court of Chancery for injunction to prohibit keeping milch cows in unwholesome places, or improper feeding. Supplementing '87 ch.68. 99, 28 Mr 04
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- b N. Y. State Board of Pharmacy to license to practise on examination and diploma of accredited school *requiring for entrance, examination in subjects equivalent to 12 Regents counts*. Amending '00 ch.667 §194 subdiv.6. 554, 3 My 04

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- a N. J. Municipal authorities may regulate or prohibit distribution of medicine and medical circulars; proviso; penalty. 88, 28 Mr 04
- b N. J. Amending '01 ch.85 §2 defining impure drugs. 171, 29 Mr 04

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- a Ala. Retailers to record sales of poison, quantity, purchaser and date of sale; penalties. Amending C. §3254. p.372, 1 O 03

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- a Md.** Restricting sale of adulterated apple or cider vinegar; prosecution. Adding §51A-F to C. art.43. 653, 12 Ap 04

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- a Va.** Large forces of men constructing works of public improvement to be inspected regularly by county boards of health at cost of corporation. 186, 14 Mr 04

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- a Ia.** Amending C. §2570a and repealing §2570b as to payment of expenses incurred by local boards of health in erecting and maintaining quarantine or detention hospital. 98, 6 Ap 04
- b Ia.** Regulating removal of persons sick with infectious diseases; penalties. 99, 13 Ap 04
- c Mass.** State Board of Charity may remove persons with infectious diseases to hospitals for state paupers or other place of reception. 395, 2 Je 04
- d N. J.** Amending title of '03 ch.62 making it a misdemeanor to expose person to contagious disease. 169, 29 Mr 04
- e O.** Expenses of quarantining county infirmary or other county institution to be paid by county; regulations. Amending R. S. §1536 subdiv.741. p-539, 3 My 04
- f Va.** Amending C. §1721 and repealing §1722 as to establishment by county authorities of temporary hospitals for infectious diseases. 473 (ex. sess.), 18 D 03
- g Va.** Local authorities not to maintain pesthouses within 50 yards or to establish same within 150 yards of public road, park or cemetery. 179, 14 Mr 04

1026 **Protective inoculation**1028 **Antitoxin**

- a N. J. \$4000 annual appropriation for free distribution of diphtheria antitoxin by State Board of Health. 232, 5 Ap 04

1030 **Special diseases**1042 **Tuberculosis**

- a Ga. Governor to appoint commission consisting of 1 physician from each congressional district, and 10 from state at large; to investigate prevalence of tuberculosis and means of prevention; report to Legislature of 1905. p.760, 12 Ag 04
- b Ia. Board of Control of State Institutions to investigate extent of tuberculosis and means of prevention; distribution of circulars of information; \$1000 for experimentation. 162, 12 Ap 04
- c Md. Protecting public from negligence of persons affected with certain communicable diseases, particularly tuberculosis of lungs or larynx; complaints; procedure; duties of physician and of local boards; State Board of Health to issue circulars of information; \$5000 annual appropriation. 399, 8 Ap 04
- d Md. State Board of Health to keep register of persons affected with tuberculosis; all institutions receiving state aid to report to board; cases to be reported by physicians; disinfection of apartments. Adding §34G-K to C. art.43. 412, 8 Ap 04
- e Md. Appointing Tuberculosis Commission of 5 members; to investigate causes of disease and to present detailed plan for establishment of sanatorium; report to Legislature by January 1906; \$2000. 476, 12 Ap 04
- f N. J. \$200,000 additional appropriation for State Sanatorium of Tuberculous Diseases. Supplementing '02 ch.126. 129, 28 Mr 04
- g O. Designating commission of 5 members to purchase lands and erect state sanatorium for tuberculosis; provision for appointment of managing board; \$35,000. p.559, 4 My 04
- h R. I. \$21,000 additional appropriation to complete State Sanatorium for Consumptives. Supplementing '03 ch.1096.

r.14, 12 Ap 04

1046 **Yellow fever**

- a La. Governor may provide necessary funds for quarantine purposes on outbreak of yellow fever. 10, 21 D 03
- b La. Governor may set aside from maritime quarantine fees contingent fund for quarantine against yellow fever. 66, 1 Jl 04

1048 **Disposition of the dead**1051 **Practice of embalming and undertaking**

- a Ala. Misdemeanor to practise embalming without license from State Board of Embalmers; fines to be paid into public school fund. p.388, 6 O 03

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909 Rates

- a Ky. Amending '02 ch.128 art.10 §25 fixing hotel license fee for re-tailing liquors \$160 [formerly \$235]. 87, 22 Mr 04

910 Regulations and restrictions

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912 Restricted localities

- a N. Y. Amending liquor law '96 ch.112 §24 subdiv.2 prohibiting sale of liquors in certain places; exception. 485, 28 Ap 04

915 Sunday sales

- a Ala. Prohibiting liquor selling on Sunday; penalties. p.64, 23 F 03
- b Va. Amending C. §3804 prohibiting sale of intoxicating liquors on Sunday; fine \$100 to \$500 [formerly \$10-\$500] and revocation of license. 249, 15 Mr 04

916 Illegal traffic

- a Ia. Defining procedure in case of injunction to suppress illegal sale of liquors. Amending C. §2406. 82, 7 Ap 04
- b Ia. Illegal sale of intoxicating liquors; fixing penalty for boot-legging. 84, 6 Ap 04
- c Mass. Abolishing fees for complainant against police officer failing to enforce law relative to sale of intoxicating liquor. Amending R. L. ch.100 §86. 122, 27 F 04

921 Intoxication. Inebriates

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922 Institutions. Treatment

- a Ia. Establishing State Hospital for Inebriates, in former Industrial Home for Adult Blind, at Knoxville; to be used for detention and treatment of dipsomaniacs, inebriates and those addicted to drugs; organization and management; \$125,000. 80, 6 Ap 04

924 Tobacco

- a N. J. Misdemeanor to sell cigarettes or tobacco to minors under 14. Supplementing '98 ch.235. 163, 29 Mr 04

926 Opium, cocain etc.

See also 953, Sale of poisons

- a Md. Regulating sale or prescription of cocain, eucain, morphin and their compounds; penalties. 607, 12 Ap 04
- b N. J. Regulating sale or prescription of cocain and its compounds; penalties. 76, 28 Mr 04
- c Va. Pharmacist may not sell opium or its compounds except on prescription of physician, dentist or veterinary surgeon; prescription not to be refilled. Amending C. §1764. 175, 14 Mr 04

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927

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- a Miss. \$2500 for governor's contingent fund to suppress lawlessness. 42, 12 F 04
- b O. Mayors of municipal corporations may close saloons during riots; penalties. Adding §3096a to R. S. p.142, 21 Ap 04

929

Sunday observance

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- a Ala. Misdemeanor to play baseball, football, tennis or golf on Sunday. p.281, 28 S 03
- b Mass. Prohibiting hunting of birds, *wild animals* or game on Lord's day; penalties. Amending R. L. ch.92 §1. 176, 22 Mr 04
- c Mass. Amending R. L. ch.98 §1-2, 5, ch.102 §172-73 as to entertainments for religious or charitable purposes given on Lord's day. 460, 9 Je 04
- d Va. Appeals from conviction for violation of Sabbath may be taken within 10 days to Corporation or Hustings Court, or Circuit Court. Amending C. §3799. 43, 2 Mr 04

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932

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- a Ala. Misdemeanor to violate health or quarantine laws. p.418, 10 O 03
- b Ala. Revision of health law. 14p. p.499, 9 O 03
- c Ind. Amending '91 ch.15 establishing State Board of Health; local boards and regulations. 16, 7 F 99. *Unconstitutional*. Fails to set out in title full title of amended act. *Hendershot v. State*, 69 N. E. 679 (1904).
- d Ia. Amending C. §2564 as to time of meetings of State Board of Health. 97, 24 Mr 04
- e Ky. Amending '93 ch.185 §9 relative to appointment, powers and duties of county boards of health. 35, 18 Mr 04
- f Miss. State Board of Health to consist of 13 [formerly 12] physicians to be appointed by the governor, from each congressional district and 5 from state at large. Amending Ann. C. '92 §2267. 150, 12 F 04
- g N. J. Recorders and police justices to have jurisdiction over actions to enforce ordinances of local health board; disposition of fines. 127, 28 Mr 04
- h N. J. Appointment, powers and duties of boards of health in cities of 150,000. 189, 29 Mr 04
- i N. Y. Amending public health law '93 ch.661 relative to powers of State Department of Health. 484, 28 Ap 04

- j O. Amending R. S. §1536 subdiv.727 relating to local health officers and appointees: appointments by local board to be made *with consent of council*; care of poor sick with contagious diseases by ward physicians. p.331, 25 Ap 04

934 Local boards and officers

- a La. Amending '98 ch.192 §5, '02 ch.150 §4 relating to appointment of local boards of health: members of municipal board not to hold any official position in town or city; term *4 years* [formerly during term of body by which elected]; *board* [formerly local authorities] to fix salary of chairman and secretary. 184, 7 J1 04
- b O. Amending R. S. §1536 subdiv.598 relating to sanitary police pension fund: rate of tax levy. p.241, 23 Ap 04
- c O. Council of city may require board of public service to act as board of health for city. Amending R. S. §1536 subdiv.723. p.460, 26 Ap 04
- d Va. Amending '00 ch.1146 §5, as to appointment of county and city boards of health by judges of Circuit and Corporation Courts. 487 (ex. sess.), 24 D 03
- e Va. Amending '00 ch.1146 §5 as to appointment of local boards of health by *circuit* [formerly county] or corporation judges. 35, 27 F 04

936 State laboratories

- a Ia. Establishing State Bacteriological Laboratory connected with medical department of State University at Iowa City; to make scientific analyses and investigation under direction of State Board of Health; \$6000 biennial appropriation. 101, 12 Ap 04

938 Vital statistics

See also 474. Family; 1048, Burial

- a Ia. State Board of Health to serve as state registrar of vital statistics; appointment of local health officers as subregistrars; burial and removal permits; birth certificates; monthly reports by subregistrars to state board. 100, 13 Ap 04
- b N. Y. Amending public health law '93 ch.661 §22 as to birth certificates. 392, 26 Ap 04
- c W. Va. Amending C. ch.63 §18-26, 34-35, 39 relating to vital statistics: births and deaths to be reported to *clerk of county court* [formerly assessor] and transmitted to *registrar of vital statistics* [formerly auditor]; *State Board of Health* [formerly auditor] to prepare blanks. Repealing §30-33. 12, 12 Ag 04

940 State control of medicine

942 Medical societies

- a N. Y. Authorizing consolidation of Medical Society of New York and New York State Medical Association. 1, 21 Ja 04

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- b N. Y. Constitution and bylaws of county medical societies to conform to those of Medical Society of State of New York; *provided that county medical societies have control of real and personal property.* Amending '13 ch.94 §14, and repealing §5, 7. 544, 3 My 04
- c N. Y. Amending '85 ch.379 §1 relating to membership in Medical Society of State of New York. 549, 3 My 04

943

License to practise

944

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See also 1588, Veterinary practice

- a Ala. Designating subjects of examination for applicants to practise medicine. p.73, 26 F 03
- b Ga. Board of Medical Examiners of Georgia may grant licenses to practise to licensees of other states without examination on payment of registration fee; reciprocal proviso. p.101, 13 Ag 04
- c Ia. Physicians registered in other states may be admitted to practice without examination in certain cases; reciprocal proviso. Amending C. §2582. 102, 15 Mr 04
- d Ky. Revision of '93 ch.179 regulating practice of medicine: State Board of Health to license on diploma *and examination*; osteopathy excepted; examinations to be prepared by committee representative of different medical schools; reorganization of state board; prohibitive license for itinerant doctors. 34, 18 Mr 04
- e N. Y. Amending public health law '93 ch.661 §152 regulating practice of medicine: physicians serving *without salary* on medical staff of hospitals excepted. 211, 4 Ap 04
- f N. C. Amending C. §3122 defining practice of medicine and surgery: applicants of other than regular school to be examined only on subjects taught in own college; proviso; osteopaths to be admitted as regular practitioners. 697, 9 Mr 03. *Unconstitutional.* Not within police power; deprives patient of choice; fosters monopolies. *State v. Biggs*, 46 S. E. 401 (1903).
- g S. C. Revising law regulating practice of medicine. Repealing C. C. §1112. 292, 27 F 04

947 Osteopathy

- a Ky. Osteopaths to be licensed to practise without examination by State Board of Health on diploma of college offering 4 terms of 5 months each. 34, 18 Mr 04

948

Dentistry

- a Ky. Amending '93 ch.189 §1, 3-4, 6 regulating practice of dentistry: creating State Board of Dental Examiners; to license to practise on diploma of approved college and examination; exemptions; fees; annual report to governor. 32, 17 Mr 04
- b Miss. Amending Ann. C. '92 §1528, 1531-32, 1540 relative to practice of dentistry: members of Board of Dental Examiners to

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be appointed from graduates of approved dental college; applicant for examination to have equivalent of high school education; subjects of examination designated. 145, 16 Mr 04

949

Pharmacy

- a Ga. Amending C. §1492 relating to State Board of Pharmacy: druggists connected with schools of pharmacy ineligible to membership; *semiannual* [formerly annual] meetings; issue of *permanent* licenses. p.59, 15 Ag 04; p.60, 12 Ag 04; p.61, 13 Ag 04
- b N. Y. State Board of Pharmacy to license to practise on examination and diploma of accredited school *requiring for entrance, examination in subjects equivalent to 12 Regents counts*. Amending '00 ch.667 §194 subdiv.6. 554, 3 My 04

952

Sale of drugs

- a N. J. Municipal authorities may regulate or prohibit distribution of medicine and medical circulars; proviso; penalty. 88, 28 Mr 04
- b N. J. Amending '01 ch.85 §2 defining impure drugs. 171, 29 Mr 04

953

Poisons

See also 926, Opium, cocain etc.

- a Ala. Retailers to record sales of poison, quantity, purchaser and date of sale; penalties. Amending C. §3254. p.372, 1 O 03

955

Adulteration. Inspection of articles liable to affect public health

See also 1466, Adulterations and imitations

956

General

- a Ky. Amending '00 ch.13 §8 as to fees for analysis of adulterated foods: annual expenditure limited to \$10,500 [formerly \$7500]. 63, 21 Mr 04
- b N. J. Municipal board of health may designate from sanitary inspectors, 1 or more inspectors of foods and drugs. Supplementing '01 ch.85. 211, 30 Mr 04
- c O. Amending R. S. §409 subdiv.9, 10, 14 relating to dairy and food department: commissioner may appoint 2 assistant commissioners [formerly 1] at \$1000 salary; extending provisions of law to include linseed oil; inspectors of department given power of entry and search in prosecution. p.30, 4 Mr 04
- d O. Salary of dairy and food commissioner, \$3500 [formerly \$2000]; expense allowance limited to \$750 a year. Amending '94 p.156 §1. p.64, 1 Ap 04
- e O. Amending R. S. §4200 subdiv.5-6 relating to adulteration of food and drugs: term food to include articles for food, drink, *confectionery and condiments*. p.116, 20 Ap 04

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- f **Va.** Defining procedure in prosecution for selling adulterated and misbranded foods; attorneys' fees. 16, 10 F 04

958 Labels

- a **S. C.** Misdemeanor to misbrand food products. 297, 12 Mr 04

960 Milk and milk products

961 General

- a **Ia.** Amending C. §2515 fixing salary of deputy and 2 assistant dairy commissioners [formerly 1] at \$1200 [formerly \$1000]. 88, 2 Ap 04

964 Butter and cheese

965 Butter. Imitation and adulteration. Oleomargarin

- a **W. Va.** Requiring oleomargarin to be colored pink. 8, 16 F 91.
Unconstitutional. Regulation of interstate commerce. *State v. Bruce*, 47 S. E. 146 (1904).

966 Cheese and its imitations

- a **N. Y.** Amending '93 ch.338 §33 requiring manufacturers to brand *or label* cheese. 27, 1 Mr 04
b **O.** Cheese containing less than 30% [formerly 20%] of pure butter fat to be labeled skimmed cheese; penalty for selling or *exposing* same for sale. Amending R. S. §4200 subdiv. 21, 23. p.252, 23 Ap 04

967 Milk

- a **N. J.** State Board of Health may apply to Court of Chancery for injunction to prohibit keeping milch cows in unwholesome places, or improper feeding. Supplementing '87 ch.68. 99, 28 Mr 04
b **N. Y.** Prohibiting sale of adulterated milk *or imitation cream*. Amending agricultural law '93 ch.338 §22. 480, 28 Ap 04
c **N. Y.** Regulating sale of certified milk. Amending agricultural law '93 ch.338 §22. 566, 3 My 04
d **O.** Amending R. S. §4200 subdiv.2 defining adulteration of milk. p.119, 20 Ap 04

968 Cans

See also 1502, Marks

- a **N. J.** Milk shippers and persons receiving shipments to cleanse cans used for transportation; fine. Supplementing '01 ch.85. 204, 30 Mr 04

970 Test standard

- a **O.** Regulating testing of milk; standard measures; penalties. p.285, 23 Ap 04

972 Other articles of food and drink

984 Fruits

- a **N. Y.** Prohibiting sale of evaporated apples other than standard; standard defined. Adding §185-86 to agricultural law '93 ch.338. 391, 26 Ap 04

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998

Liquors. Alcohol

- a Md. Misdemeanor to manufacture or offer for sale flavoring extracts or essences containing wood alcohol. Adding §81B to C. art.43. 378, 7 Ap 04
- b Md. Misdemeanor to substitute wood alcohol for grain alcohol in retailing drugs, medicinal or chemical preparations. Adding §119B to C. art.27. 470, 8 Ap 04

1008

Sugars. Syrups. Confectionery

1012 Sugar. Syrup

- a O. Misdemeanor to manufacture, offer for sale or sell adulterated maple sugar or syrup; label to give address of packer. Amending and supplementing '00 p.316. p.46, 24 Mr 04

1014

Vinegar

- a Md. Restricting sale of adulterated apple or cider vinegar; prosecution. Adding §51A-F to C. art.43. 653, 12 Ap 04

1018

Communicable diseases

See also 1143, Communicable diseases of animals

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- a Va. Large forces of men constructing works of public improvement to be inspected regularly by county boards of health at cost of corporation. 186, 14 Mr 04

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- a Ia. Amending C. §2570a and repealing §2570b as to payment of expenses incurred by local boards of health in erecting and maintaining quarantine or detention hospital. 98, 6 Ap 04
- b Ia. Regulating removal of persons sick with infectious diseases; penalties. 99, 13 Ap 04
- c Mass. State Board of Charity may remove persons with infectious diseases to hospitals for state paupers or other place of reception. 395, 2 Je 04
- d N. J. Amending title of '03 ch.62 making it a misdemeanor to expose person to contagious disease. 169, 29 Mr 04
- e O. Expenses of quarantining county infirmary or other county institution to be paid by county; regulations. Amending R. S. §1536 subdiv.741. p.539, 3 My 04
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- b Ia. Board of Control of State Institutions to investigate extent of tuberculosis and means of prevention; distribution of circulars of information; \$1000 for experimentation. 162, 12 Ap 04
- c Md. Protecting public from negligence of persons affected with certain communicable diseases, particularly tuberculosis of lungs or larynx; complaints; procedure; duties of physician and of local boards; State Board of Health to issue circulars of information; \$5000 annual appropriation. 399, 8 Ap 04
- d Md. State Board of Health to keep register of persons affected with tuberculosis; all institutions receiving state aid to report to board; cases to be reported by physicians; disinfection of apartments. Adding §34G-K to C. art.43. 412, 8 Ap 04
- e Md. Appointing Tuberculosis Commission of 5 members; to investigate causes of disease and to present detailed plan for establishment of sanatorium; report to Legislature by January 1906; \$2000. 476, 12 Ap 04
- f N. J. \$200,000 additional appropriation for State Sanatorium of Tuberculous Diseases. Supplementing '02 ch.126. 129, 28 Mr 04
- g O. Designating commission of 5 members to purchase lands and erect state sanatorium for tuberculosis; provision for appointment of managing board; \$35,000. p.559, 4 My 04
- h R. I. \$21,000 additional appropriation to complete State Sanatorium for Consumptives. Supplementing '03 ch.1096.

r.14, 12 Ap 04

1046 **Yellow fever**

- a La. Governor may provide necessary funds for quarantine purposes on outbreak of yellow fever. 10, 21 D 03
- b La. Governor may set aside from maritime quarantine fees contingent fund for quarantine against yellow fever. 66, 1 Jl 04

1048 **Disposition of the dead**1051 **Practice of embalming and undertaking**

- a Ala. Misdemeanor to practise embalming without license from State Board of Embalmers; fines to be paid into public school fund. p.388, 6 O 03

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- b **Ky.** Regulating practice of embalming: creating State Board of Embalming; to license to practise on examination; 3 years practice or instruction in embalming required for entrance to examination; fees; penalties. 89, 22 Mr 04
- c **Md.** Amending '02 ch.160 §1, 8, 9 relating to State Board of Undertakers: board to consist of 8 [formerly 7] members; applicants for examination to have had 2 years previous practice; board may revoke, *cancel or suspend* license. 389, 7 Ap 04
- d **Mass.** State Board of Health to consider advisability of legislation to regulate undertaking and embalming; report to Legislature by May 1904. r.27, 23 Mr 04
- e **N. Y.** State Board of Embalming Examiners may revoke license on proof of fraud or violation of statute. Amending '98 ch.555 §2, 3, 7, 9 and adding §6a. 498, 29 Ap 04

1052

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See also 938, Vital statistics

- a **Md.** Local boards of health or county commissioners to appoint annually for educational and charitable institutions, resident physician as subregister to issue burial permits; reports.

384, 7 Ap 04

1054

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1055 Public cemeteries

- a **Ala.** Providing for appointment of commission by county judge of probate to mark bounds of rural burial places or to enlarge same; procedure. p.275, 26 S 03
- b **Ia.** Township trustees may levy tax for support of public cemeteries not owned by township; limits. Amending C. §586. 23, 12 Ap 04
- c **O.** Municipality or township may transfer cemetery to cemetery association; latter to assume all legal debts. Adding §2545a to R. S. p.165, 22 Ap 04
- d **O.** Providing for election of trustees on union of city and township for maintenance of cemetery. Amending R. S. §1536 subdiv.493. p.387, 25 Ap 04
- e **O.** Mayor of village owning public cemetery may appoint board of cemetery trustees [formerly elected]; term, powers and duties. Reenacting and amending R. S. §2518. p.538, 3 My 04

1056 Cemetery associations

- a **N. J.** Corporations wishing to locate or enlarge cemetery may apply to chosen freeholders on refusal of municipal boards. Amending '85 ch.129 §6. 249, 11 Ap 04
- b **O.** Amending R. S. §3573 as to appropriation of lands by cemetery associations, when cemetery adjoins municipal corporation.

p.391, 25 Ap 04

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- c O. Cemetery associations may acquire property by gift or devise for cemetery purposes to be exempt from execution and taxation. Amending R. S. §3571. p.442, 26 Ap 04
- d Va. Cemetery associations may hold property, aggregate not exceeding \$10,000, for maintenance and improvement of cemetery lots; validating disposition of property in perpetuity. 15, 10 F 04
- 1059 Cemetery trust funds
 - a Ia. County auditor to act as trustee in certain cases of funds donated to improvement of cemeteries. 12, 12 Ap 04
 - b Mass. Amending R. L. ch.78 §19-20 relating to deposits for care of cemetery lots; amounts not exceeding \$200 to be deposited with state treasurer and receiver general; payment of accrued interest. 422, 4 Je 04
 - c N. Y. Family cemetery corporations may receive and hold trust funds for maintenance and improvement. Amending membership corporations law '95 ch.559 §57. 429, 27 Ap 04

1064 Transportation of dead bodies

- a Va. Revision of '00 ch.393 relating to transportation of bodies dying of infectious diseases. 607 (ex. sess.), 18 Ja 04

1065 Nuisances (general). Miscellaneous health regulations

See also 1191, Drains; 2660, Sewerage

- a O. Amending R. S. §6919 as to institution of proceedings in contempt against defendant neglecting or refusing to abate nuisance. p.310, 23 Ap 04
- b Va. Repealing '88 ch.489 subdiv.5-6 relating to application of fines and duty of commonwealth's attorney in abatement of nuisances. 511 (ex. sess.), 30 D 03

1071

Drainage

See also 1191, Drains; 2660, Sewerage

- a N. J. Local boards of health to abate nuisances causing disease, including water in which mosquito larvae breed. Amending '87 ch.68 §13, 14. 119, 28 Mr 04

1079

Pollution of water

See also 932, General supervision; 2660, Sewerage

- a N. J. Amending '00 ch.72 relating to pollution of waters of state: repealing §42 which included within waters of state, boundary waters used for potable purposes. 213, 30 Mr 04
- b O. Jurisdiction of *municipal* corporation [formerly owning waterworks] to prevent pollution of water supply extended to 20 [formerly 10] miles beyond corporation limits. Amending R. S. §1536 subdiv.544. p.135, 21 Ap 04

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Protection of human life from accidents, casualties etc. *See also* 1313, Railroads; 1368, Public street railways; 2044, General workshop regulations

1092

Fires

See also 1765, Fire prevention association; 2602, Fire department

1093

Fire marshals. Inspection

- a **La.** Creating office of state fire marshal; to direct investigation of fires by local officials of fire departments; to regulate handling of combustible material; to exercise powers of committing magistrate; tax levy of 5 mills on gross annual premium receipts of fire insurance companies for enforcement of act; annual report to governor. 122, 5 J1 04
- b **Mass.** Abolishing fire marshals department under Department of District Police; transferring powers, duties and officers, except deputy chief, to detective department and reorganizing latter. Repealing '02 ch.142 §2, 3, '03 ch.365 §1. 433, 8 Je 04
- c **S. C.** Investigation of fires by comptroller general and local authorities; expenses to be met by tax $\frac{1}{16}$ % on gross receipts of insurance companies. 274, 24 F 04

1099

Buildings: sanitation and safety

See also 2044, General workshop regulations; 2235, Schools

- a **Mass.** Governor with consent of Council to appoint 3 persons as Commission on Building Laws; to consider expediency of revision; report to Legislature of 1905. 424, 4 Je 04

1102

Exits

1103 Fire escapes

- a **Ia.** Revision of '02 ch.150 regulating construction of fire escapes. 136, 6 Ap 04
- b **Va.** County board of supervisors to select fire escapes used in buildings over 3 stories high, outside limits of cities and towns. Amending '90 ch.199 §2. 476 (ex. sess.), 18 D 03

1108

Hotels. Lodging houses

- a **Mass.** Extending provisions of '94 ch.414 regulating public lodging houses in Boston to include same in cities of 50,000. 242, 20 Ap 04

1109

Public halls

- a **Mass.** Governor may appoint 2 additional members to Department of District Police, to serve as additional inspectors of factories and public buildings; preference of veterans may be withdrawn. 430, 4 Je 04
- b **Mass.** Regulating licensing and inspection of theaters and public halls of 400 capacity: *chief of district police* [formerly city or town authorities] to issue license; responsibility of licensees; in-

spection schedule; monthly inspection; revocation of license; appeal; Courts of Equity jurisdiction to enforce law; penalties. Repealing R. L. 102 §172. 450, 9 Je 04

- c O. Regulating public halls and theaters of 750 capacity so as to insure protection against fires: to be provided with diagrams of aisles and exits, illuminated exits, asbestos curtain, and proscenium wall; annual inspection and issue of certificates by city authorities. p.264, 23 Ap 04

- d Va. Owners or lessees of public halls, theaters and opera houses to provide approved and sufficient exits; semiannual inspection; penalties. 23, 19 F 04

1110 Tenement houses

- a N. J. General law regulating condition of tenement houses. 53P. 61, 25 Mr 04
- b N. Y. Amending tenement house law '01 ch.334 §11 requiring houses above 6 stories to be fireproof tenements. 346, 16 Ap 04
- c N. Y. Amending '01 ch.334 §30 as to fire escapes in tenement houses erected prior to May 1, 1902. 739, 14 My 04

1112 Floods. Life saving

See also 1197, Levees and dikes

1113 Floods

- a Ia. Cities may protect property from floods by changing water courses, constructing levees, etc.; special assessments; bond issue. 33, 31 Mr 04
- b N. J. Regulating flow of torrential rivers: provision for creating a river flood district commission on establishing of each river flood district; to plan and construct dams, sluices, canals etc. for arresting overflow of flood waters; condemnation proceedings; maintenance of works; annual report to secretary of state. 4(ex. sess.), 19 Ap 04
- c N. Y. Village trustees may borrow money to protect property from floods. Amending village law '97 ch.414 §88 subdiv.15, §128 subdiv.11. 193, 4 Ap 04

1116 Explosives

See also 1493, Petroleum products

1117 Manufacture. Storage. Transportation

- a Mass. Fire marshal's department under Department of District Police [formerly city or town authorities] to regulate use, manufacture and sale of explosives and inflammable liquids, also construction of storage buildings; penalties. Amending R. L. ch.102 §87-121. 370, 23 My 04
- b O. Regulating manufacture, handling and storage of high explosives: chief inspector of workshops and factories on examina-

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tion by inspector of high explosives to approve plans and location of factories and magazines; manufacturers and dealers to file statement with chief inspector; penalties. p.302, 23 Ap 04

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- a O. Misdemeanor to leave unguarded receptacle containing nitroglycerin; exceptions; inspector of high explosives to prosecute. p.288, 23 Ap 04

1124

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1128 Boilers and engineers

1130 Licenses

- a O. Amending R. S. §4364 subdiv.89q-t relative to licensing stationary engineers: standard of examination to be uniform through state; renewal fee \$2 [formerly \$1]; appeal on refusal to grant renewal. p.28, 4 Mr 04

1131 Electric apparatus

- a S. C. No electric wire within 50 feet of highway to be without certain safety devices. Amending C. C. §2211. 278, 25 F 04

1137 Samples

- a Va. Misdemeanor to leave sample medicines on premises or give to child under 12. 560 (ex. sess.), 12 Ja 04

1141 Uncovered openings

- a S. C. Owner or tenant not to leave abandoned well open; penalty. 199, 11 F 04

1143

Communicable diseases of animals

1144

General. Inspection and supervision

- a Ia. \$5000 [formerly \$3000] annual appropriation to carry on work of state veterinary surgeon in suppressing infectious diseases in domestic animals. Amending C. §2536. 89, 12 Ap 04
- b N. Y. State commissioner of agriculture may appoint 1 state appraiser [formerly 3] of condemned animals at \$1500 salary [formerly \$5 a day] and additional appraisers as needed at \$5 a day. Amending agricultural law '93 ch.338 §67. 253, 8 Ap 04

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Disposal of carcasses

- a R. I. Supplementing G. L. ch.91 relative to disposal of carcasses of dead animals. 1162, 13 Ap 04
- b Va. Animals [formerly hogs] or fowls dying of infectious diseases to be cremated or buried; fines. Amending C. §2197. 252, 15 Mr 04

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1163 Rabies

- a O. Persons injured by mad dog to be reimbursed by county to sum of \$500. p.68, 4 Ap 04

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1167 Tuberculosis

- a R. I. Amending G. L. ch.99 §10-13, 19 as to slaughter and appraisal of animals with tuberculosis; duties of county board of appraisers, and cattle commissioners. 1156, 8 Ap 04

1169 Special animals

1171 Bees

- a O. Providing for appointment of county inspectors of apiaries on petition of owners; to eradicate disease of foul brood; compensation, powers and duties. p.127, 21 Ap 04

1175 Horses

- a Md. Extending term of commission, appointed in 1902 to investigate cerebro-spinal meningitis in horses, to January 1906 [formerly 1904]. 293, 7 Ap 04

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1182 Irrigation. Water rights, power, storage

1190 Water rights, power and storage generally

- a Ala. Amending C. §1727-28 as to erection of dams for generating electricity; procedure. p.163, 5 Mr 03; p.391, 6 O 03
- b Ala. Corporations for sale of power produced by water to have general right of condemnation. p.365, 1 O 03
- c Id. Regulating appropriation and diversion of waters. p.223, 11 Mr 03. *Unconstitutional* as to §34, 35, 36 relating to actions to settle water rights. Deprives of property without due process of law. *Bear Lake County v. Budge*, 75 P. 614 (1904).
- d N. J. Regulating flow of torrential rivers: provision for creating a river flood district commission on establishing of each river flood district; to plan and construct dams, sluices, canals etc. for arresting overflow of flood waters; condemnation proceedings; maintenance of works; annual report to secretary of state. 4 (ex. sess.), 19 Ap 04
- e N. Y. Creating River Improvement Commission of 5 members; to regulate flow of water courses in aid of public health and safety; proceedings; contents of annual report to Legislature specified. 12p. 734, 14 My 04
- f Or. Amending Ann. C. & S. §5030 relating to action for appropriation of water below contiguous owner's point of diversion: such owner not to be deprived of water for *domestic, stock and irrigation purposes*. p.25, 23 D 03

1191

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1192 General. County and township ditches. Drainage districts

- a Ill. General agricultural and sanitary drainage act. p.78, 27 Je 85. *Unconstitutional* as to §37 relative to payment for right of

- way and damages. Deprives of property without due process of law. *Juvinal v. Jamesburg Drainage Dist.* 68 N. E. 440 (1903).
- b Ia. Referring to Legislature of 1906 amendment to Const. 1857 art.1 by adding §18: Legislature may regulate construction of drains etc. across private lands, provide for organization of drainage districts, and maintenance of drains, and define procedure.

p.210, 9 Ap 04
- c Ia. Secretary of state to have printed 5000 copies of drainage laws.

p.219, 11 Ap 04
- d Ia. Pumping stations may be established in drainage districts; costs to be levied on lands in districts. 69, 13 Ap 04
- e Ia. Revision of law relating to drainage. 18p.

67, 29 Ap 04; 68, 29 Ap 04
- f Ia. Defining rights of landowners or proprietors relative to drainage of surface waters.

70, 29 Ap 04
- g Ia. Providing for assessment for drainage purposes. C. §1940. *Unconstitutional* in so far as applied to nonabutting owners without notice. Deprives of property without process of law. *Beebe v. Magoun*, 97 N. W. 986 (1904).
- h Ia. General drainage law. C. §1939-51. *Unconstitutional* in so far as it provides for assessment of nonabutting owners without notice. Deprives of property without due process of law. *Beebe v. Magoun*, 97 N. W. 986. Invalidity of §1946 invalidates whole drainage law, 1939-51. *Smith v. Peterson*, 99 N. W. 552 (1904).
- i La. Control of public drainage channels to be given to the several boards of levees and drainage districts; procedure; penalties for obstruction of drainage channels. 61, 29 Je 04
- j Md. Amending C. art.25 §55, 63 relating to drainage of lands: obstruction of ditches; taxes levied for ditches to be lien on real estate; collection of levies; powers and duties of treasurer of ditch company. Adding §44A, 75A-C. 391, 8 Ap 04
- k N. J. Town or township authorities may clear and straighten creeks for drainage purposes; condemnation proceedings. Amending '03 ch.261 §1, 2. 113, 28 Mr 04
- m N. Y. Amending drainage law R. S. pt3 ch.8 t.16 §8: court wherein proceedings are pending to apportion costs, when lands to be drained are located in 1 or more towns; procedure.

75, 18 Mr 04
- n N. Y. Amending drainage law R. S. pt3 ch.8 t.16 prescribing powers of town fence viewers relative to opening of ditches; procedure. Adding §37. 433, 27 Ap 04
- p O. Amending R. S. §4510 subdiv.19 as to procedure in improvement of sink holes and fissures by county or township authorities.

p.137, 21 Ap 04

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- q O. Amending R. S. §4451a as to procedure in application for county ditch: compensation for serving notice on landowners. p.260, 23 Ap 04
- r O. Amending R. S. §4510 subdiv.11 relating to repairing of joint county ditches. p.289, 23 Ap 04
- s O. Amending R. S. §4475 as to manner of selling construction or improvement of county ditch. p.311, 23 Ap 04

1196

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- a O. Amending R. S. §4584 subdiv.3 relative to procedure in clearing out of ditch, when applicant is resident owner. p.262, 23 Ap 04

1197

Levees. Dikes

- a Miss. Board of Mississippi Levee Commissioners may issue 5%, 40 year bonds payable semiannually, for levee purposes to amount of \$1,000,000; regulations. 91, 25 F 04
- b Miss. Amending '65 ch.1 §17, '84 ch.169 §3 regulating exercise of right of domain by Board of Mississippi Levee Commissioners. 92, 26 F 04
- c Miss. Exempting from taxation for levee purposes, property in Yazoo Mississippi delta levee district between levees and Mississippi river. 96, 1 Mr 04
- d Miss. Relative to Board of Mississippi Levee Commissioners: abolishing office of cotton tax collector; collection of cotton tax; use of levee lands; penalties. 90, 11 Mr 04
- e Miss. Board of Yazoo Mississippi Delta Levee Commissioners may issue \$500,000 of 4½% bonds payable semiannually, for levee purposes; regulations. 95, 16 Mr 04
- f N. J. Amending G. S. '95 p.2024 ¶16 relative to proceedings against owner of marsh and meadow lands for neglect to keep tide embankments in repair. 9, 1 Mr 04

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1203

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1212

Rates (general)

- a La. Conferring on Railroad Commission, according to Const. 1898, art.288, added powers to regulate joint through rates for freight, express matter and telegraph and telephone communications transported or transmitted over 2 lines of railroads or other common carriers. 24, 17 Je 04

1226

Passenger rates. Passes

See also 1365, Street railways

1227

Rates. Tickets

1232 **Mileage books**

- a S. C. Mileage tickets to be good for members of purchaser's family. 250, 25 F 04

1235 **Ticket scalping**

- a Ga. Prohibiting traffic in nontransferable signature tickets issued by common carriers; latter to redeem unused or partly used tickets; procedure; penalties. p.102, 12 Ag 04

1237

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See also 1365, Street railways

- a Ga. Judges of Supreme or Superior Courts not to receive free passes from railroad corporations or other favors from quasi public corporations; impeachment. p.72, 15 Ag 04
- b Mo. Amending Const. 1875 art.12 §24: antipass provisions omitted; transportation companies to give passes to designated state officials and judges, sheriffs and superintendents of state institutions; penalties. *Rejected November 1904.* p.283, '03

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- a Md. Railroad companies to provide separate cars for white and colored races; exceptions; penalties; regulations. 109, 17 Mr 04
- b Md. Steamboats to provide separate quarters for white and colored races; exceptions; penalties; regulations. 110, 17 Mr 04
- c Miss. Street railways to provide equal but separate accommodations for races; regulations; penalties. 99, 1 Mr 04
- d S. C. *Steam ferries* and railroads to furnish separate accommodations for white and colored passengers. Amending C. C. §2158. 249, 25 F 04
- e Va. Railroad corporations operating sleeping, dining, palace, parlor, chair or compartment cars may refuse admittance to any person at their discretion. 85, 9 Mr 04
- f Va. Misdemeanor for owners of steamboat wharves not to provide separate accommodations for white and colored persons; provisos. 257, 15 Mr 04

1240

Miscellaneous. Common carriers

- a N. J. Revision of law concerning carriers. 176, 29 Mr 04; 177, 29 Mr 04

1242

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- a O. Common carrier companies operating steam railroads may exercise all powers of railroad company including right of appropriation. Amending R. S. §3838. p.161, 22 Ap 04

1244 Baggage

- a S. C. Maximum free baggage to be 200 pounds. 196, 11 F 04
- b S. C. Baby carriages must be carried as baggage, uncrated.
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1247 Loss or damage

- a Ia. Joint common carriers to be jointly liable for loss or damage to freight, whether or not initial carrier exempts itself from liability for injury beyond its own line; any defendant may prove that loss did not occur on its line. 74, 9 Ap 04
- b Miss. Common carriers to settle claims for lost or damaged freight not exceeding \$50 within 90 days; damages; procedure. 104, 10 Mr 04
- c Va. Repealing C. §1295-97 which relate to liability of common carriers for loss or injury to goods. 250, 15 Mr 04

1249 Prompt shipment

- a S. C. Railroads to transport freight within times specified. 379, 25 Mr 04

1253 Special commodities

1260 Live stock

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- a Ia. Common carriers on demand to issue transportation to live stock shippers from place of shipment of cattle to destination; penalties. 76, 9 Ap 04

1265 Roads. Streets

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1266 Railways. Car companies. Express

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1267 General. Incorporation

Chiefly steam roads but many of the general laws and special provisions include all kinds of railways

- a Va. Terms "railroad," and "railway" to be construed alike. 48, 2 Mr 04
- b Va. Amending '03 ch.270 pt2 §2-3, pt5 §40, 63 (ex. sess.) as to extension of railroad into District of Columbia and as to railroad companies incorporated *under laws of United States*. 50, 4 Mr 04

1268 Corporate organization and power

1272 Consolidation, sale, lease

- a Mass. Railroad corporations may acquire property of foreign railroad or steamship corporations and operate same; regulations. Amending R. L. ch.111 §284. 169, 22 Mr 04

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- a** **N. Y.** On consolidation of domestic and foreign railroad corporation, office of new corporation may be located in either state. Amending railroad law '90 ch.565 §71 subdiv.1. 228, 4 Ap 04

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- a** **Ky.** Amending corporation law '93 ch.15 §190 as to conversion of stock of railroad into common and preferred shares; regulations. 105, 25 Mr 04
- b** **S. C.** Miscellaneous amendments to C. C. §2037 relating to railroad mortgages. 228, 19 F 04

1280

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Public aid. Exemptions. Subscription to stock

- a** **La.** Submitting amendment to Const. 1898 art.230: railroads constructed and completed *between Jan. 1, 1905 and Jan. 1, 1909* [formerly prior to 1904] to be exempt from taxation for 10 years. *Adopted November 1904.* 16, 17 Je 04

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1286

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- a** **Ala.** Revision of C. ch.96 relating to Railroad Commission of Alabama: commissioners to be *elected by people* [formerly appointed by governor with consent of Senate]; joint rates; interchange of traffic; prosecution; appeal. 13p. p.95, 28 F 03; p.354, 1 O 03
- b** **Mass.** Amending R. L. ch.111 §10 relating to assessment of salaries and expenses of State Board of Railroad Commissioners among railroad and street railway corporations. 429, 4 Je 04

1295

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- a** **Ala.** Railroad corporations may relocate lines to straighten or improve same; proviso. p.131, 28 F 03

1297 **Eminent domain. Damages**

See also 382, Eminent domain (general)

- a** **N. Y.** State commissioner of land office may grant prison lands to railroad corporations on approval of superintendent of state prisons. Amending railroad law '90 ch.565 §8. 313, 13 Ap 04
- b** **Va.** Amending '03 ch.270 pt2 §2 subdiv.f (ex. sess.) relating to condemnation proceedings by railroads. 537 (ex. sess.), 31 D 03

1300

Reports

- a** **N. Y.** State Board of Railroad Commissioners to furnish blank forms for reports of corporations by *June 15* [formerly Sep. 30]. Amending railroad law '90 ch.565 §158. 158, 28 Mr 04

- b Va. Repealing C. §1304-5, 1309 which required railroad companies to report to state railroad commissioner. 128, 12 Mr 04

1313 Public safety, comfort and order

1314 Safety regulations

1316 Brakes. Couplers

- a O. Amending R. S. §3365 subdiv.23 so as to require use of automatic couplers and air brakes on *standard gage* cars only *prior to March 1910*. p.615, 23 Ap 04

1317 Crossings

- a O. Court of Common Pleas given jurisdiction to fix manner of railroad crossings within limits of city or village. Adding §1a to '02 p.530. p.537, 3 My 04
- b O. Court of Common Pleas given jurisdiction to fix mode of railroad crossings outside corporate limits of municipality. Amending '02 p.530 §1. p.548, 3 My 04

1319 Highway crossing

- a Md. Railroad corporations may provide at own cost crossings over public highways either overgrade or undergrade; procedure. Adding §204A to C. art.23. 620, 12 Ap 04
- b N. J. Municipality may issue bonds to pay share of expense for changing grades of railroads within corporate limits; regulations. 209, 30 Mr 04
- c O. Amending R. S. §3337 subdiv.1 relative to overhead crossings of railroads. p.301, 23 Ap 04
- d O. Regulating construction of railroad and highway crossings; Court of Common Pleas to determine when crossings may be at grade; appeal. p.546, 3 My 04

1327 Miscellaneous safety regulations

- a Ala. Railroad employees to be examined as to color blindness and deafness by superintendent of road, *master of trains*, or *master mechanic of railroad*. Amending C. §3448-49. p.162, 5 Mr 03

1332 Public order. Railway police

- a Va. Local authorities may restrict or prohibit transportation by railroad companies of excursion parties to places without adequate police protection. 153, 14 Mr 04

1333 Obstruction, injury to cars, etc.

- a Va. *Malicious tampering with railroad machinery, switches or signals* punishable by 2 to 10 years imprisonment; where injury not malicious, imprisonment 1 to 3 years and fine \$100-\$500. Amending C. §3725, '96 ch.858. 171, 14 Mr 04

1334 Railway police

- a Va. Amending '04 ch.609 pt4 §10 (ex. sess.) relating to appointment of police agents by railroad companies. 169, 14 Mr 04

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- a Ala. Corporations operating street or suburban railways in adjoining state may operate lines within state, on consent of municipal authorities; procedure. p.66, 26 F 03
- b Ala. Corporations operating street or suburban railways in adjoining state, also selling electricity for power or light, may sell same on extension of lines within state; procedure. p.67, 26 F 03
- c Ala. Amending C. §1189 as to incorporation of street railways. p.384, 1 O 03
- d N. J. Turnpike companies may construct and operate street railways on turnpike; bonds to be secured by mortgage on franchises and real and personal property. 173, 29 Mr 04
- e N. J. Enabling street railway companies to come under traction act '93 ch.172; procedure; proviso. 243, 5 Ap 04

1339

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- a O. Amending '02 p.510 §2 relating to consolidation of electric street railroad companies. p.570, 6 My 04

1345

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- a Mass. Amending '03 ch.202 defining authority of street railway companies to act as common carriers of baggage and freight in certain cases. 441, 8 Je 04

1349

Stock. Bonds

- a Ala. Street railway companies may increase capital stock on majority vote of capital stock. p.144, 28 F 03

1350

Public ownership and aid

- a La. Municipalities of 5000 may construct, own and operate electric street railways. 89, 4 Jl 04

1353

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- a O. Street railway corporations on majority vote of directors may for certain purposes appropriate private property, also change location of lines. p.106, 7 Ap 04

1365

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Transfers

- a Mass. Street railways to print on transfer tickets regulations as to use; penalties for misuse. 267, 25 Ap 04

1368

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- a Mass. Amending R. L. ch.112 §45 relative to liability of street railway companies for defects in street, highway or bridge occupied by its tracks. 110, 27 F 04

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- b** **Mass.** State Board of Railroad Commissioners to recommend establishment of waiting rooms by street railway corporations, and investigate complaints against same. Amending R. L. ch.111 §15-16. 357, 20 My 04

1374 Public order. Police

- a** **Mass.** Explosives not to be put on street railway tracks or cars. Amending R. L. ch.208 §86. 396, 2 Je 04
- b** **C.** Conductors of interurban railroads vested with police powers. Amending R. S. §3433-36. p.84, 15 Ap 04
- c** **O.** Governor on application of street railroad, suburban or interurban railroad may appoint railroad police; regulations. Amending R. S. §3427. p.392, 25 Ap 04

1383 Canals

1386 Public ownership and aid

- a** **N. Y.** Amending canal law '94 ch.338 art.4 §54 relative to advances to division engineers for expenses of engineer's department. 14, 25 F 04
- b** **N. Y.** Term of consulting engineers, appointed as advisory board to State Canal Board, to continue during construction of works; vacancies to be filled by governor with consent of Senate. 200, 4 Ap 04
- c** **N. Y.** Creating board of examiners and appraisers to act under direction of State Canal Board; to appraise lands, structures, and waters appropriated for use of improved canals. 335, 14 Ap 04
- d** **O.** Members of Board of Public Works to serve as superintendents of the several state canals; salary as superintendent, \$1500; to maintain canals and public works; also to appoint necessary superintendents of repairs [formerly 11], lock tenders and employees [formerly aggregate salaries limited to \$12,500]. Amending R. S. §218 subdiv. 4. p.103, 19 Ap 04
- e** **O.** Supplementing '88 p.127 providing for appointment of Canal Survey Commission: to consist of 2 [formerly 3] commissioners; salary \$1500 [formerly \$1200]; to complete work begun by original commission. p.184, 22 Ap 04
- f** **O.** Receipts from sales of lands held by state for canal purposes to be credited to canal fund. Amending R. S. §218 subdiv.5. p.534, 3 My 04
- g** **Or.** Creating Board of Commissioners of Canals and Locks: to acquire right of way for canal and improvement of channel of Columbia river between The Dalles rapids and Celilo falls, and releases from damages to United States; expenditure limited to \$100,000; final report to be filed with secretary of state.

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- a S. C. Misdemeanor for public ferry keeper to delay passenger
1 hour; steam and free ferries excepted. 256, 25 F 04

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- a III. General ferry regulations. R. S. '01 ch.55. *Unconstitutional*
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- a Miss. Board of supervisors may establish and maintain ferries
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- a N. J. Governor to appoint 3 commissioners to confer with
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lishing free bridges across Delaware river at designated points;
report to Legislature of 1905. p.507, 28 Mr 04

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- a Ala. Misdemeanor to float logs etc. under county bridge with-
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1401

Public bridges

- a Ga. County commissioners of roads and revenues or the ordi-
naries may erect bridges across navigable streams; regulations.
p.100, 13 Ag 04
- b Ia. County may levy annual 4 [formerly 3] mill tax for bridge
purposes. Amending C. §1303. 42, 24 F 04
- c Ia. Cities of 50,000 may levy tax of 2 mills for construction of
viaduct. Amending C. §771. 29, 17 Mr 04
- d N. J. County board of chosen freeholders may construct and
maintain viaduct between municipalities and extend roads to con-
nect with same; condemnation proceedings; annual tax limited to
1 mill; bond issue. 101, 28 Mr 04
- e N. J. Chosen freeholders in counties of 50,000 to 150,000 may
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dum. Supplementing '95 ch.209. 200, 29 Mr 04
- f O. Special tax levy for construction of county bridge exceed-
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1403 Regulation of bridges over navigable waters

- a O. County commissioners may remove and rebuild bridges condemned by United States War Department as obstructing navigation; bond issue limited to \$200,000. p.53, 26 Mr 04

1410 Telegraph and telephone

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1411 General. Incorporation

- a Va. Repealing C. §1287-94 which relate to regulation of telephone and telegraph companies. 251, 15 Mr 04

1414 Supervision

- a S. C. Railroad Commission to have jurisdiction over telephones. 281, 25 F 04

1415 Franchise. Location. Placing of wires

1416 Eminent domain. Damages

- a Ky. Telephone companies may acquire right of way by condemnation proceedings. 71, 21 Mr 04

1422 Commerce and industry (general)

1424 Weights and measures

1425 General

- a Va. Repealing '00 ch.202 as to provision requiring register of land office to serve as superintendent of weights and measures. 454, 14 D 03

1441 Coal. Coke. Charcoal

- a La. Amending '88 ch.147 §3, 58 relative to gaging boats and barges containing *anthracite or bituminous* coal or coke. Amending '88 ch.147 §3, 5, 8. 80, 1 J1 04

1450 Shrimps

- a La. Standard shrimp basket to hold 70 pounds. 85, 4 J1 04

1453 Standard time

- a Ala. Amending C. §11 requiring use of "standard railroad central time" in legal computation. p.395, 6 O 03

1464 Adulterations and imitations. Branding. Inspection

See also 955, Adulterations liable to affect public health

1466 Adulteration. Inspection

1472 Commercial feed for stock

- a La. State Board of Agriculture and Immigration to regulate sale of commercial feeding stuffs; manufacturers to forward statement of ingredients and submit sample to commissioner; latter to

issue inspection certificate and tags; label to show percentage of ingredients; official chemist of board to make analyses.

153, 5 J1 04

- b** **Mass.** \$3000 *annual* appropriation to regulate sale of concentrated commercial feed stuffs. Amending '03 ch.122 §10.

332, 13 My 04

- c** **N. Y.** Amending agricultural law '93 ch.338, '99 ch.510 §120-24, 126 relative to sale and analysis of concentrated commercial feeding stuffs; repealing §125, 127 relating to violation of act and penalties.

558, 3 My 04

- d** **O.** Regulating manufacture and sale of commercial feed stuffs: bags to be labeled and percentages of fiber, fat and protein given; manufacturers to forward statement of ingredients and sample to secretary of State Board of Agriculture; annual license fees; annual analysis of each brand; penalties.

p.395, 25 Ap 04

1474 Fertilizers

- a** **Ala.** Amending C. §382-84, 398 regulating sale of fertilizers.

p.65, 26 F 03

- b** **Ala.** Revising C. ch.5 art.2 regulating sale of commercial fertilizers. 8p.

p.78, 3 Mr 03

- c** **Ky.** Amending '98 ch.18 §2 regulating sale of fertilizers: label to give date of analysis and estimated value.

84, 22 Mr 04

- d** **Miss.** Regulating manufacture and sale of commercial fertilizers: brand to show grade of fertilizer and percentage of ingredients; cotton seed products excepted.

111, 22 Mr 04

- e** **N. Y.** Regulating sale and analysis of commercial fertilizers selling above \$5 a ton: package label to give weight, address of manufacturer, and chemical analysis; state commissioner of agriculture to issue licenses; annual fees; enforcement of law. Adding art.12 to agricultural law '93 ch.338.

567, 3 My 04

- f** **S. C.** Amending C. C. ch.34 relating to commercial fertilizers, to include cotton seed meal.

275, 27 F 04

1484 Lime. Cement and other construction materials

- a** **Ala.** Designating testing laboratory of University of Alabama as State Testing Laboratory for cements and other materials of construction.

p.248, 23 S 03; p.389, 6 O 03

1492 Paris green

- a** **La.** Revision of law regulating sale and purity of paris green.

174, 6 J1 04

1493 Petroleum products

- a** **Ia.** Revision of C. t.12 ch.11 relating to inspection of petroleum products: governor to designate 1 of 14 inspectors as chief inspector to have supervision; to recommend changes to State Board of Health; inspectors may appoint assistants on approval of Executive Council.

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1496 Seeds

- a Ky. Misdemeanor to sell certain adulterated, mixed or misbranded grass and clover seeds. 82, 22 Mr 04
- b N. Y. Regulating sale of imported ginseng: label to show foreign country where roots or seeds were grown. Adding §44 to '96 ch.376. 286, 13 Ap 04

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- a Ill. Providing for registration of trade-marks; possession of receptacles bearing such marks prima facie evidence of unlawful possession. p.316, 11 My 01. *Unconstitutional*. Special and class legislation. *Horwich v. Walker-Gordon Laboratory Co.*, 68 N. E. 938 (1903).

1501

Bottles, cans and other receptacles

- a N. Y. Person repacking fruit or farm produce in barrels etc. to erase name of grower or producer; penalty. Adding §45 to domestic commerce law '96 ch.376. 309, 13 Ap 04
- b N. Y. Misdemeanor to use without owner's consent registered trade-mark of pastry makers and dealers. Amending Pen. C. §367, 369-71. 494, 29 Ap 04
- c N. Y. Misdemeanor to use unlawfully registered articles of manufacturers and dealers in ice cream, confectionery etc.; regulations. 548, 3 My 04

1502 Milk cans

- a La. Protecting dealers in bottled milk from unauthorized use of registered bottles. Amending '96 ch.120 §1-2. 74, 1 Jl 04
- b N. Y. Amending agricultural law '93 ch.338 §24, 32 relating to illegal use of milk cans, *jars and bottles*. 168, 28 Mr 04

1503

Union labels

- a N. Y. *Misdemeanor* to use illegally labels of labor organizations. Amending labor law '97 ch.415 §16. 523, 29 Ap 04

1508

Warehouses. Markets

1510

Warehouses

- a Ky. Extending provisions of '93 ch.256 to storage of cotton seed oil in warehouses and issuance of receipts therefor. 57, 21 Mr 04

1513 Warehouse receipts

- a Miss. Warehouse receipt made conclusive evidence of receipt of property. 89, 11 Mr 04

1520

Tobacco warehouses

1522 Charges

- a S. C. Miscellaneous amendments to C. C. §1731 relating to tobacco warehouse charges. 271, 1 Mr 04

Regulation and licensing

1324-60

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1524 State warehouse

- a Md. Chief inspector of tobacco may appoint assistant clerk at \$800; also assign employees to different lines of work connected with warehouses on request or consent of deputy inspector. Amending C. art.48 §11. 336, 7 Ap 04

1530 Regulation and licensing of trades and occupations

1532 Licensing (general)

- a N. J. Clerk of court, council or board authorized to transfer license, shall record power of attorney to transfer same; fee. 210, 30 Mr 04

1536 Accountants

- a N. J. Regulating practice of accounting: creating State Board of Accountants; board on examination to recommend to **governor** for certificate; exemptions; fees; penalties; annual report to governor. 230, 5 Ap 04

1538 Auctioneers and auctions

- a La. Tax on public auction sales to be paid to Charity Hospital of New Orleans. Amending R. S. §145. 46, 28 Je 04
- b La. Regulating auction sales of horses etc., vehicles and harness. Amending R. S. §170, '82 ch.116. 106, 4 Jl 04

1540 Barbers

- a Md. Regulating practice of barbering: creating Board of Barber Examiners and providing for appointment of subboards; to issue certificates on examination; fees; to inspect sanitary condition of shops; annual report to state comptroller. 226, 1 Ap 04

1554 Embalming and undertaking

See 105

1556 Engineers

See 1130

1560 Hawkers and peddlers

- a Id. Regulating licenses for peddlers, hawkers and solicitors. p.155, 16 Mr 01. *Unconstitutional* in so far as §8 excepts runners for wholesale houses taking orders from merchants only. Class legislation. In re Abel, 77 P. 621 (1904).
- b Ia. Peddlers to pay annual county tax of \$5-\$100 [formerly \$1-\$50]. Amending C. §1347a. 48, 9 Ap 04
- c La. Amending '98 ch.171 §12, '00 ch.103 as to annual license tax of peddlers and hawkers. 49, 28 Je 04
- d N. J. Veterans showing certificate of honorable discharge to be licensed to peddle without cost; regulation. 141, 28 Mr 04

ADMINISTRATIVE LAW COMMERCE AND INDUSTRY

- e N. Y. Veterans *having served beyond sea* may obtain license to peddle and auction goods on presenting certificate of discharge to county clerk. Amending '96 ch.371 §1, 2, '99 ch.659. 556, 3 My 04
- f Wis. Prescribing licenses for peddlers; exempting certain classes. S. ch.98 §1570 as amended by 341, 8 My 01. *Unconstitutional*. Denies equal protection of law. Unequal system of taxation. *State v. Whitcom*, 99 N. W. 468 (1904).
- 1568 Junk and secondhand dealers
- a N. J. Regulating business of pawnbrokers and dealers in second hand goods: book of loans and purchases to be kept on order from police department; penalties. 52, 22 Mr 04
- b Va. Amending '03 ch.148 §69 (ex. sess.) relative to licensing junk dealers. 480 (ex. sess.), 18 D 03
- 1570 Law
See 391
- 1572 Medicine
See 944
- 1575 Nurses
- a Md. Regulating practice of nursing: creating Board of Examiners of Nurses; applicants for examination to have had equivalent of high school course, and diploma from training school requiring 3 years course; exceptions; registration fee; penalties. 172, 25 Mr 04; 241, 12 Ap 04
- 1576 Pawnbroking
See 1727
- 1578 Pharmacy
See 949
- 1580 Plumbers
- a Minn. Requiring plumbers in cities of 10,000 to be licensed by state board. 319, 23 Ap 97 as amended by 356, 13 Ap 01. *Unconstitutional*. Special legislation: exempts master plumbers and cities of 10,000 having sewerage system or water works. *State v. Justus*, 97 N. W. 124 (1903).
- 1586 Transient merchants. Sale of bankrupt stocks. Itinerant vendors
- a N. C. Imposing license tax on itinerant vendor of stoves within state. 247 §36, 9 Mr 03. *Unconstitutional* as applied to sales by sample of goods manufactured without state, shipped into state and delivered in original packages. Restriction on interstate commerce. *Wrought Iron Range Co. v. Campen*, 47 S. E. 658 (1904).
- 1588 Veterinary practice
- a Ia. Registered veterinary practitioners to pay annual renewal fees to State Board of Veterinary Medical Examiners. Amending C. §2538j, 2538p. 91, 4 Ap 04

Trade regulations

1588-1628

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- b Ia. Veterinarians practising without state may be admitted to practice without examination in certain cases on payment of registration fee; reciprocal proviso. Amending C. §2538i. 90, 12 Ap 04

1590 Miscellaneous trade regulations

1592 Advertisements

- a Ia. Misdemeanor to advertise sale of liquors or tobacco within 400 feet of public school buildings. 137, 12 Ap 04
- b N. Y. Misdemeanor to publish false or misleading statements relative to merchandise offered for sale. Adding subdiv.8 to Pen. C. §364. 423, 27 Ap 04
- c Va. Misdemeanor to use name or picture for advertising purposes without person's consent. 66, 7 Mr 04

1594 Legal holidays. Public holidays

1596 General and miscellaneous

- a La. Designating Confederate *Memorial* [formerly Decoration] day, June 3, and *general election days* as legal holidays. Amending R. S. §1114. 3, 3 Je 04

1612 Labor day

- a Miss. Designating first Monday in September as labor day, and legal holiday. 88, 4 Mr 04

1624 Saturdays

- a O. Repealing '96 p.208 §2 which limited Saturday half holiday to cities of 50,000. p.160, 22 Ap 04

1628 Trading stamps

- a La. Trading stamp companies or dealers issuing stamps to merchants to pay annual license tax of \$5000 to \$10,000 *graded according to gross receipts* [formerly \$500 tax where receipts exceeded \$200,000]. Amending '98 ch.171 §15. 47, 28 Je 04
- b Md. Prohibiting sale or issue of trading stamps entitling holder to receive from vendor or indirectly through any other person articles of different redeemable value from value in money; redeemable value to be printed on face; penalties. Adding §263D-I to C. art.27. 233, 12 Ap 04; 577, 12 Ap 04
- c Mass. Persons selling or giving trading stamps to be exchanged for articles not distinctly bargained for, to pay excise tax of 3% of gross receipts from articles sold; semiannual report to city or town treasurer; penalties. 403, 3 Je 04
- d N. Y. Regulating issue and redemption of trading stamps and other devices; value of same in lawful money to be printed on face; redeemable in merchandise or money value on demand; regulations. Adding §384q to Pen. C. t.11. 657, 9 My 04

ADMINISTRATIVE LAW COMMERCE AND INDUSTRY

- e O. Regulating issue and redemption of trading stamps: stamps to have redeemable value in lawful money printed on face; redemption in merchandise or money at option of holder; proviso; penalties. p.277, 23 Ap 04
- f Vt. Penalizing use of trading stamps. 123, 26 N 98. *Unconstitutional*. Violates U. S. Const. 14th amendment. Abridges privileges and immunities of citizenship. Deprives of property without due process of law. *State v. Dodge*, 56 A. 983 (1904).

1630

Encouragement of industries

1632

Bonus. Exemptions. Bounty*See also* 810, Exemptions from general property tax1633 **General**

- a Fla. Submitting amendment to Const. 1885 art.9 §10: Legislature may authorize municipal corporations to exempt manufacturing enterprises from taxation, not exceeding 15 years. *Rejected November 1904*. p.638, '03
- b Miss. Mineral, cement and lime factories and manufactories of agricultural implements to be exempt from taxation 5 years. Amending '00 ch.48 §1-6. 126, 21 Mr 04
- c Tenn. Submitting amendment to Const. 1870 art.11 §18: counties or cities may exempt new manufacturers from taxation for 10 years on two thirds vote of County Court or city council respectively. *Rejected November 1904*. 532, 2 Ap 03

1635 **Beet sugar and sugar beet**

- a Minn. Providing bounty 1c a pound for sugar from beets and sorghum. 205, 16 Ap 95 as amended by 307, 20 Ap 99. *Unconstitutional*. Violates Const. art.9 §5, 10: expenditure not for public purpose; lends state credit for private purposes. *Minnesota Sugar Co. v. Iverson*, 97 N. W. 454 (1903).

1643 **Cotton factories**

- a Ala. Cotton mill plants or extensions to same, valued at \$50,000, built since 1902 to be exempt from taxation for 10 years.

p.565, 9 O 03

1661

Expositions*See also* 1834, Fairs1666(5) **Jamestown Exposition**

- a Ga. Commission of 5 members to be appointed to represent state at Jamestown Exposition in 1907. p.761, 13 Ag 04
- b Md. Governor to appoint commission of 13 members to confer with similar commissions from Virginia relating to the Jamestown Exposition in 1907; report to Legislature of 1906. p.1272, '04

1667 **Lewis and Clark Exposition**

- a Mass. Louisiana Purchase Exposition managers may transfer exhibit to Lewis and Clark Centennial Exposition to be held at Portland, 1905; \$15,000. r.96, 2 Je 04

Expositions. Immigration

669-75

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1669 Louisiana Purchase Centennial

- a Ia.** \$20,000 additional appropriation for exhibit at Louisiana Purchase Exposition. Supplementing '02 ch.195. 164, 22 Mr 04
- b Ia.** \$5000 appropriation for disposition of state property used at Louisiana Purchase Exposition; Board of Control to distribute same among state institutions; report to be included in board's biennial report to governor. 165, 22 Mr 04
- c Ia.** Executive Council to prepare historical exhibit for Louisiana Purchase Exposition. p.218, 8 Ap 04
- d Ky.** Louisiana Purchase Exhibition Commission consisting of 15 members to be appointed by governor; to erect building and prepare exhibit; provisos; final report to governor; \$75,000. 1, 27 Ja 04
- e La.** \$2500 for return of state exhibit from St Louis Exposition; governor to make disposition of same. 125, 5 Jl 04
- f Md.** \$40,000 additional appropriation for Louisiana Purchase Exposition. 50, 9 Mr 04
- g N. J.** \$25,000 appropriation to represent state at Louisiana Purchase Exposition. 174, 24 Mr 04
- h N. Y.** \$40,000 additional appropriation for representation of state at Louisiana Purchase Exposition. Supplementing '02 ch.421. 640, 9 My 04
- i O.** \$12,500 additional appropriation for building at Louisiana Purchase Exposition. p.50, 25 Mr 04
- j R. I.** \$30,000 additional appropriation for Louisiana Purchase Exposition. 1145, 18 Mr 04
- k Va.** \$10,000 additional appropriation for state building at Louisiana Purchase Exposition. 481 (ex. sess.), 18 D 03
- m Va.** University of Virginia may send exhibit to Louisiana Purchase Exposition. 600 (ex. sess.), 12 Ja 04

1675

Resources and attractions. Immigration

See also 2114, Emigrant agents

- a La.** Police jury on approval of state commissioner of agriculture and immigration may advertise resources of parish; state aid to parish limited to \$500 annually. 150, 5 Jl 04
- b N. J.** On indorsement by governor, comptroller and state treasurer, Meeker's publication, showing state resources, to be declared public document; distribution at Louisiana Purchase Exposition. 72, 28 Mr 04
- c N. J.** Council of cities under 12,000 may levy tax of 2 mills [formerly 1] for public advertising. Amending '97 ch.30, '00 ch.142. 199, 29 Mr 04
- d S. C.** Creating state commissioner of agriculture, commerce and immigration; to promote industrial development of state; annual report to governor. 259, 23 F 04

ADMINISTRATIVE LAW BANKING

1677

Banking

See also 500, Corporations; 843, Taxation of banking institutions

1678

General

Including all provisions relating to banks of deposit or relating to two or more of the following classes

1679

General and miscellaneous

- a Ala. General banking law. p.483, 10 O 03
- b Ga. Commission of 8 members to be appointed to consider revision of banking laws; report. p.759, 26 J1 04
- c Tex. Submitting amendment to Const. 1875 art.16 §16: Legislature may authorize incorporation of banking corporations; shareholders to be liable to amount equal to par value of shares in addition to shares; capital stock to be paid in in full; corporations may do business in only one place; foreign corporations, excepting national banks, may not do business in state. *Adopted November 1904.* p.249, 1 Ap 03
- d Va. Revision of C. ch.48 regulating banks of discount and deposit. 578 (ex. sess.), 4 Ja 04

1680 Inspection. Reports. Departments

- a Ia. Bank examiners [formerly limited to 4] to receive salary of \$1800 each [formerly examiner's fees paid by bank]; bank to pay examination fees to auditor of state. Amending C. §1876. 64, 13 Ap 04
- b O. Banks doing *business within state* [formerly organized under laws of state] to report *at least twice annually* [formerly on first Monday of April and October] to auditor of state. Amending R. S. §3817-18. p.266, 23 Ap 04
- c S. C. Private banks to publish quarterly reports; penalty. Amending C. C. §1766. 215, 19 F 04

1681

Amendment, extension of charter

- a Ala. Banks may extend their corporate existence for period of 20 years; thereafter for periods of 12 years each. p.160, 19 Mr 03

1687

Dissolution. Insolvency

See also 523, Corporations

- a N. Y. *Debts due building and loan corporations* and savings banks from insolvent banks preferred. Amending banking law '92 ch.689 §130. 693, 9 My 04
- b N. Y. Amending '02 ch.60 §4 relating to legal expenses of receivers of moneyed corporations. 705, 11 My 04

1688

Deposits

- a Ala. Misdemeanor to accumulate demands etc. to start run on banks. p.479, 9 O 03

Trust companies

1688-1703

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- b La. State banks may issue interest-bearing time deposit certificates. 100, 4 Jl 04
- 1692 Name. Domicile
- a N. Y. Misdemeanor for corporation by misleading title to represent itself as moneyed corporation; liability of agents. Adding to Pen. C. §608 and §593 subdiv.2. 489, 29 Ap 04

1693

Officers

- a O. Savings and loan associations, safe deposit, trust and mutual telephone companies may choose directors not to exceed 30. Amending R. S. §3244. p.170, 22 Ap 04

1697

Trust and safe deposit companies

1698

General and miscellaneous

- a Ia. Trust companies to have same paid up capital as savings banks. Amending C. §1889. 65, 30 Mr 04
- b Ky. Amending '96 ch.31, '98 ch.32 as to capital of trust companies in counties of certain populations. 78, 22 Mr 04
- c Md. Stockholders of safe deposit, trust, guaranty and fidelity companies liable to par value of stock in addition to amount invested therein [formerly to double par value]; fiduciaries not personally liable. Amending C. art.23 §85L, '92 ch.109. 101, '04
- d Md. Safe deposit, trust, guaranty, loan and fidelity companies may deposit as security with state treasurer first mortgage on real estate within state; cancelation and reissue of capital stock to provide contingent fund; procedure. Amending C. art.23 §85M; adding §85N. 251, 4 Ap 04
- e Mass. Receivers to dispose of unclaimed dividends, books and paper of insolvent trust companies according to R. L. ch.113 §56. 200, 31 Mr 04
- f Mass. General law for incorporation of trust companies and regulation of reserve funds. 374, 25 My 04
- g N. Y. Amending banking law '92 ch.689 §156 defining powers of trust companies: foreign corporations forbidden to exercise certain powers. 492, 29 Ap 04

1701

Deposits

- a Md. Safe deposit companies to refuse access to vaults by one of several joint fiduciaries or to representative of single fiduciary unless written authority filed with company and signed by proper parties. Adding §221A to C. art.23. 92, 17 Mr 04

1703

Investments

- a N. Y. Amending banking law '92 ch.689 §159 relating to investment of capital, *surplus, undivided profits* and deposits of trust companies. 479, 28 Ap 04

1705

Officers

- a N. Y. Quorum of directors of trust companies to consist of one third number, and not less than 7. Amending banking law '92 ch.689 §161. 607, 5 My 04

1707

Savings banks

1708

General and miscellaneous

- a N. Y. Authorizing school savings banks; money to be re-deposited in savings banks. Amending banking law '92 ch.689 §131. 568, 3 My 04
- b Va. Amending C. ch.49 relating to savings banks: number of directors, not less than 5, may be fixed in articles or bylaws and increased at general meeting; stock may be increased to *maximum prescribed in articles or charter* [formerly not to exceed \$900,000]. 576 (ex. sess.), 31 D 03

1713

Investments. Reserves

- a Mass. Savings banks may invest in bonds of incorporated water districts of certain states. Amending R. L. ch.113 §26 subdiv.2 ¶d. 208, 7 Ap 04
- b Mass. Savings banks may invest in notes of citizens of state with authorized bonds of street railways as collateral. 210, 9 Ap 04

1715

Mortgage, loan and investment companies

- a Ga. Regulating business of domestic and foreign investment companies: annual statement to comptroller general; deposit with state of \$25,000; reserve fund; annual license fees; provision for appointment of expert accountants; revocation of license. p.74, 13 Ag 04
- b Ia. Providing for regulation of investment companies: certificate; state deposit of \$25,000; annual report to auditor of state; examination; penalties. 66, 29 Ap 04
- c Mass. General act regulating bond and investment corporations: deposit; issue of certificate on examination by State Savings Bank Commission; report; suspension; bonds to be paid up after 2 years or one fourth payments made. 427, 4 Je 04

1717

Building and loan associations

The names of these organizations vary somewhat, but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations, etc., and in Massachusetts cooperative banks.

1718

General and miscellaneous

- a Md. Extending provisions of C. art.23 §103 to building and homestead associations organized under special acts. Amending §103. 239, 7 Ap 04

Pawnbroking

1728-32

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- b Md. Amending C. art.23 §99 as to mortgage security for *finances and assessments* and as to exemption from taxation of building and homestead associations. 240, 8 Ap 04
- c Mass. Authorizing consolidation of cooperative banks in same city or town; petition by two thirds stockholders and approval by Board of Commissioners of Savings Banks; general regulations as to assets; liabilities; shares; name. 392, 2 Je 04
- d N. J. General act for incorporation and regulation of provident loan associations. 96, 28 Mr 04
- e N. J. Amending '03 ch.218 §40, 51 relating to building and loan associations: gross premium on loans not to be regarded as profit wholly earned, *if part rebatable before maturity of shares on which loan made*; restrictions on annual expenses not to apply to associations with assets less than \$35,000 [formerly \$25,000]. 240, 5 Ap 04

1721

Capital. Shares

- a Cal. Regulating building and loan associations and creating State Board of Commissioners of Loan Associations to examine and inspect. 188, 23 Mr 93. *Unconstitutional* as to §19 fixing withdrawal value of shares. Subject not within title. Provident Mut. Building Loan Ass'n v. Davis, 76 P. 1034 (1904).

1722

Dissolution. Insolvency

- a N. J. Regulating dissolution of building and loan associations on vote of two thirds stock: procedure; appointment; powers; compensation of trustees for liquidation; notice to creditors. Supplementing '03 ch.218. 24, 7 Mr 04

1724

Loans. Investments

- a Mass. Cooperative banks to make no loans over \$5000 secured by mortgage on one parcel of real estate. 292, 2 My 04
- b O. Building and loan associations may invest 20% of assets in United States, state and local government bonds. Adding §3a to '91 p.469. p.43, 21 Mr 04

1727

Pawnbroking

- a O. Regulating chattel loan companies: capital stock not to exceed \$50,000; discrimination in favor of small loans to indigent; restrictions on amount, charges and interest of loans; redemption and sale of pledges. Repealing '85 p.132, '86 p.144 relating to Cuyahoga county. p.134, 21 Ap 04

1730

Insurance

See also 500, Corporations; 844, Taxation of insurance companies

1731

General (all classes)

1732

General

- a Ia. Providing for examination of insurance companies: creating

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insurance examiner, to be appointed by auditor of state; biennial inspection of companies; powers and duties. 56, 17 Mr 04

- b **Miss.** Generally amending '02 ch.59 relating to insurance. 79, 22 Mr 04
- c **Miss.** Amending '02 ch.59 §27, 29 as to investments and increase of capital stock of insurance companies. 80, 22 Mr 04
- d **O.** Insurance laws not to apply to sanatoriums, medical institutes etc. Amending R. S. §289. p.287, 23 Ap 04
- e **S. C.** No insurance company to be member of association to fix excessive rates nor to discriminate in rates on similar risks. 274, 24 F 04

1733 State departments

- a **Ky.** Amending '94 ch.109 as to salaries of clerical and actuarial assistants of state insurance commissioner. 21, 8 Mr 04
- b **O.** State superintendent of insurance to give \$100,000 [formerly \$20,000] bond. Amending R. S. §267. p.433, 26 Ap 04

1734 Examination. Report

- a **O.** Superintendent of insurance to issue certificate to insurance companies complying with laws; foreign companies to file copy with county recorder and publish in county newspaper approved by superintendent; penalties. Amending R. S. §284. p.405, 25 Ap 04
- b **O.** Forms of statements required of insurance companies to be furnished in *November* [formerly *September*]. Amending R. S. §280, 283. p.410, 25 Ap 04
- c **O.** Amending R. S. §272, 274-76 relating to examination of insurance companies and proceedings against unsound companies. p.415, 25 Ap 04

1736

Agents

- a **Ia.** Auditor of state to license insurance [formerly life insurance] agents; revocation of license; fees; penalties. 57, 9 Ap 04
- b **O.** License not to be issued to insurance agent of another state refusing same to citizen of Ohio. Adding §283a to R. S. p.151, 22 Ap 04

1738

Brokers

- a **R. I.** Honorably discharged veterans of Civil or *other wars* of United States exempt from payment of insurance brokers' fee. Amending G. L. ch.416 §4. 1164, 13 Ap 04

1739

Capital

- a **N. Y.** Amending insurance law '92 ch.690 §41 relating to impairment of capital of other than life insurance corporations. 451, 28 Ap 04

1741

Deposit of security

- a **O.** Security for deposit by insurance companies to be of par market value of \$1000. Amending R. S. §281. p.410, 25 Ap 04

Life and accident

1741-54

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- b Va.** Amending C. §1271 relating to deposits of insurance companies with state treasurer. 203, 15 Mr 04

1743

Dissolution. Insolvency

- a Md.** Repealing C. '88 art.23 §143EI and amending §122, 128 as to powers of insurance commissioners. 338, 8 Ap 02. *Unconstitutional* as to §122b forbidding order or injunction save on complaint of commissioner. Subject not within title. *Kafra v. Wilkinson*, 57 A. 617 (1904).

1746

Foreign companies

- a N. J.** Privileges to be denied to insurance companies of states denying same to New Jersey companies or refusing to accept statement of state insurance commissioner. Amending '02 ch.134 §66. 66, 28 Mr 04
- b O.** Amending R. S. §285 as to appointment of general agents of foreign insurance companies. p.152, 22 Ap 04
- c O.** Foreign insurance companies other than life to make deposit for policy holders in *United States* [formerly in state]; *computation of assets*. Amending R. S. §3660. p.154, 22 Ap 04

1747

Investments

- a N. J.** Amending insurance law '02 ch.134 §16 regulating investments. 51, 22 Mr 04

1748

Liability. Actions against company

- a Va.** Actions on insurance policies may be brought at place where insured resided *at date of death* or where property situated *at date of policy*. Amending C. §3214. 206, 15 Mr 04

1753

Life and accident

1754

General

- a Ia.** Providing for consolidation or reinsurance of risks of life insurance companies: plan to be submitted to auditor of state and approved by designated commission. 58, 30 Mr 04
- b Ia.** Amending C. §1788 as to transfer of certain funds of stipulated premium and assessment life insurance companies. 60, 30 Mr 04
- c Md.** Life and accident insurance companies may deposit as security with state treasurer 1st mortgage on real estate within state; cancelation and reissue of capital stock to provide contingent fund; procedure. Amending C. art.23 §85M and adding §85N. 251, 4 Ap 04
- d O.** Deposit of life insurance company in excess of requirements to be held in trust for company; additional requirements for commencement of business. Amending R. S. §3594-95. p.149, 22 Ap 04

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- e O. Amending R. S. §3604-5, 3616 relating to licensing and deposits of life insurance companies. p.153, 22 Ap 04
- f O. Repealing '98 p.343 which provides for incorporation of insurance companies on stipulated premium plan. p.161, 22 Ap 04
- g O. Amending R. S. §3630i as to transfer of certain funds and annual report of accident insurance companies. p.435, 26 Ap 04
- h O. Amending R. S. §279 relating to annual valuation by superintendent of insurance of obligations of life insurance companies. p.437, 26 Ap 04
- 1755 **Actions against companies**
- a O. Amending R. S. §3630f relating to actions against life insurance companies. p.138, 21 Ap 04
- 1757 **Foreign companies**
- a O. Amending R. S. §3630j as to revocation of certificate of foreign accident insurance companies *when expenses exceed 30% of premiums, assessments and fees; annual report.* p.147, 22 Ap 04
- 1758 **Policies**
- a Ia. Form of life insurance policy to be approved by governor, auditor of state and attorney general or any 2 of them; regulations; penalties. 59, 12 Ap 04
- b Miss. Copy of application to be delivered with life insurance policy; default to estop company to deny statement in application; misstatement of age not to invalidate policy; insurance to be estimated according to premiums paid and for actual age. 81, 22 Mr 04
- 1759 **Mutual insurance**
- a O. Excepting certain mutual burial associations from requirements of R. S. §3630a-31 relative to life insurance companies. Amending R. S. §3631a. p.61, 31 Mr 04
- 1760 **Assessment companies**
- a Mass. Fraternal insurance corporations may within 7 years of act become assessment insurance companies under R. L. ch.120; substitution of beneficiaries; election and terms of officers. 155, 14 Mr 04
- b O. Amending R. S. §3630e as to revocation of certificate of foreign assessment life or accident insurance companies *when expenses exceed 30% of premiums, assessments and fees.* p.144, 22 Ap 04
- 1761 **Fraternal beneficiary societies**
- a Ala. Generally amending C. §1116-20 relating to mutual benefit and aid associations: conditions for doing business; report to and examination by *insurance commissioner* [formerly auditor]; tax; process. p.135, 28 F 03

Fire and casualty

1761-66

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- b Ia. Auditor of state to examine fraternal beneficiary societies at least biennially; revocation of authority; penalties for soliciting new business thereafter. 61, 17 Mr 04
- c Ia. Articles and bylaws of fraternal beneficiary societies to be approved by auditor and attorney general must have 500 [formerly 250] applications of \$1000 each; foreign companies to have 1000 members and \$1,000,000 insurance. Amending C. §1832. 62, 30 Mr 04
- d Ia. Consolidation or reinsurance of risks of fraternal beneficiary societies to be approved by auditor; procedure; penalties. 63, 30 Mr 04
- e Mass. Certain fraternal organizations may pay member on death of wife portion of amount payable at his own death. 271, 29 Ap 04
- f O. General act regulating fraternal beneficiary societies. 12p. Repealing R. S. §3631 subdiv.11-23. p.421, 26 Ap 04
- g O. Permitting certain foreign fraternal beneficiary associations to continue business within state; license; fees. p.495, 26 Ap 04

1763

Fire and other casualty

See also 1092, Fires; 2602, Fire departments

1764

General and miscellaneous

- a N. Y. Minor amendment to insurance law '92 ch.690 §86 as to assets and liabilities of casualty insurance corporations. 468, 28 Ap 04
- b O. Amending R. S. §3634, 3640 as to issue of certificate to insurance companies other than life and as to *deposit of \$10,000 of mutual fire insurance companies*. p.155, 22 Ap 04
- c O. Amending R. S. §3644 holding solicitor to be agent of insurance company other than life. p.160, 22 Ap 04
- d O. Amending R. S. §3661a relating to statements in advertisements of fire insurance companies. p.419, 25 Ap 04
- e O. Amending R. S. §3648 as to reservation of unearned premium fund in estimate of profits of fire insurance companies; §3654 as to reinsurance of certain companies other than life. p.443, 26 Ap 04

1765

Fire prevention associations

- a La. Fire insurance companies doing business in state may form fire prevention bureau; organization and management; powers and duties; annual report to state fire marshal. Amending Code of Practice art.116. 189, 7 Jl 04

1766

Foreign companies. Reinsurance

- a N. Y. Amending insurance law '92 ch.690 §34 as to taxation of foreign marine insurance corporations. 708, 11 My 04

ADMINISTRATIVE LAW INSURANCE

- b N. Y. Amending insurance law '92 ch.690 §22 relating to reinsurance by fire insurance companies. 759, 14 My 04
- c O. License may be issued to agents to procure insurance in fire and casualty companies unauthorized to do business within state; regulations. p.157, 22 Ap 04
- d O. Foreign insurance companies other than life must consent to suit in *county where application taken*. Amending R. S. §3657. p.159, 22 Ap 04
- e O. Amending R. S. §3691 subdiv.13 relative to reinsurance of fire and casualty companies. p.446, 26 Ap 04

1769

Policies

- a Mass. Defining "noon" in Massachusetts standard fire insurance policy. 240, 16 Ap 04

1770

Mutual companies

- a Mass. Mutual fire insurance companies operating on cash premium plan or with capital of less than \$100,000 to carry at least \$1,000,000 insurance in not less than 400 risks. Amending R. L. ch.118 §39. 300, 6 My 04
- b N. Y. Amending insurance law '92 ch.690, '01 ch.142 §280 as to filing certificate of extension of corporate existence of town and county cooperative insurance companies. 551, 3 My 04
- c O. Generally amending R. S. §3686-87, 3690 relative to mutual fire, cyclone, *hail*, *explosion* and other casualty insurance companies. p.150, 22 Ap 04

1793

Surety and guaranty companies

1795

General

- a La. Guaranty, fidelity, surety and bond companies to deposit \$50,000 as a guaranty fund with state treasurer; withdrawal of deposit; regulations. 71, 1 Jl 04
- b Mass. Fidelity insurance companies to deposit with state or other state \$100,000 for protection of policy holders in United States; deposit in state not to be returned while liabilities outstanding therein. 304, 6 My 04
- c O. Insurance companies indemnifying employers against damage for personal injury from accidents to employees to deposit \$50,000 in bonds for security of policy holders; fidelity companies may insure depositors against loss from bank failures. Amending R. S. §3641, and repealing §3641b. p.407, 25 Ap 04

1797

Credit and title insurance

- a N. Y. Title guaranty companies to report annually to state superintendent of insurance amount of bonds and mortgages guaranteed. Amending insurance law '92 ch.690 §170, 176.

543, 3 My 04

Navigation. Waterways

1797-1806

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- b N. Y. Regulating settlement of accounts of receivers of title guaranty companies. 754, 14 My 04
- 1798 Foreign companies
- a O. Amending R. S. §3656 as to licensing of foreign surety and guaranty companies. p.166, 22 Ap 04

1800

Navigation. Waterways

See also 1383, Canals; 1388, Ferries and fords; 1393, Bridges

1804 Wharves. Docks. Piers. Wharf lines

- a Cal. Providing for \$2,000,000 bond issue to construct seawall in city and county of San Francisco; state comptroller and treasurer to report annually to governor; regulations. *Adapted November 1904.* 211, 20 Mr 03
- 1810 Loading vessels
- a Va. Amending C. §1991 relating to appointment of ballast masters by *Circuit* [formerly County] and Corporation Courts. 474 (ex. sess.), 18 D 03
- 1811 Navigation companies
- a Mass. State Board of Railroad Commissioners to exercise same powers in respect to steamship companies serving as common carriers between ports as to railways. 265, 25 Ap 04

1812

Obstructions

- a N. J. Cities of 150,000 may lease boats to remove ice from channel of river to keep navigation open; appropriation limited to \$20,000. 33, 16 Mr 04

1822

Agriculture

See also 955, 1466, Adulteration; 1123, Communicable diseases of animals; 1427, Agricultural products (sale of); 1568, Veterinary practice; 2344, Agricultural schools

1824

Supervision and encouragement (general)

See also 1632, Bonus, exemption, bounty

1826 State department

- a La. Commissioner of agriculture and immigration from general election in April 1908 to be *elected* [formerly appointed by governor with consent of Senate]; vacancy to be filled by governor with consent of Senate. Amending '94 ch.141 §1. 194, 7 Jl 04
- b S. C. Creating state commissioner of agriculture, commerce and immigration to promote industrial development of state; annual report to governor. 259, 23 F 04
- c Va. Amending '01 ch.207, §2 (ex. sess.) as to meetings of Board of Agriculture and Immigration. 516 (ex. sess.), 31 D 03

ADMINISTRATIVE LAW AGRICULTURE

1828

Experiment stations

See also 2344, Agricultural schools

- a Ala. Amending C. §405, 407 relating to Board of Control of Branch Agricultural Experiment Stations and Schools: board to consist of state superintendent of education, commissioner of agriculture *and industries*, governor and 2 [formerly 5] appointees from congressional district where school is located; board and *professor of agriculture of Alabama Polytechnic Institute* to direct course of study and experimentation. p.259, 30 S 03
- b Miss. Trustees of Mississippi Agricultural and Mechanical College may establish branch agricultural stations in northwestern part of state, and in Yazoo and Mississippi delta respectively, on donation of land and site. 85, 20 F 04; 84, 25 F 04
- c N. Y. Amending agricultural law '93 ch.338 §85 as to managing board of New York Agricultural Experiment Station: to consist of governor, *state commissioner of agriculture* and 7 [formerly 9] appointees of governor; annual report of board to *form part of commissioner's report*. 439, 27 Ap 04
- d N. Y. Director of New York Agricultural Experiment Station may publish bulletins relative to analyses of substances made, according to statutory provisions. 570, 3 My 04

1829

Farmers institutes. Reading courses. Lectures

- a Md. \$6000 [formerly \$4000] annual appropriation for farmers institutes in state. Amending '96 ch.102 §4, '00 ch.363. 557, 8 Ap 04

1834

Associations. Fairs

1835

General and miscellaneous

- a O. County agricultural societies may mortgage real estate to renew debts or purchase land; proviso. Amending R. S. §3700. p.60, 31 Mr 04
- b O. Amending R. S. §3706-6b relative to purchase or lease of new sites for holding county fairs. p.297, 23 Ap 04

1840

State associations and fairs

- a Ia. \$47,000 appropriation for fireproof building for state fair exhibits. 150, 6 Ap 04
- b Md. Providing for dissolution of Maryland Mechanical and Agricultural Association incorporated in 1867; procedure. 141, 25 Mr 04
- c N. Y. State Fair not to be held on labor day. Amending agricultural law '93 ch.338 §142. 447, 27 Ap 04

Horticulture. Noxious animals

1842-64

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1842

Horticulture. Diseases and pests

1844

Supervision and regulation

- a **Ala.** Regulating inspection and sale of nursery stock: creating State Board of Horticulture, and office of state horticulturist; dealers to obtain certificate from latter; shipments to bear inspection tag; liability of common carriers; treatment of infested stock; quarterly report of state horticulturist to board; annual report of board to governor; \$1500 annual appropriation. p.140, 5 Mr 03
- b **Ga.** Amending '00 p.89 §3 relating to Department of Horticulture and Pomology: provision for salary of assistant entomologist; extension of powers and duties of state entomologist; increased appropriation. p.19, 15 Ag 04
- c **La.** Creating State Crop Pest Commission: to prevent spread of crop and fruit diseases and pests, in particular Mexican boll weevil; inspection and destruction of infested crops; prosecution; bulletins to be published and distributed by Board of Agriculture and Immigration. 6, 15 D 03
- d **N. J.** Amending '03 ch.249 §15 relative to proceedings for enforcing law regulating inspection of nursery stock. 47, 22 Mr 04
- e **O.** Revising law relating to inspection of nursery stock. Repealing '02 p.491. p.172, 22 Ap 04
- f **R. I.** Providing for appointment of state nursery inspector by State Board of Agriculture for 1 year; compensation; annual inspection of home grown stock and issue of certificates; exemptions; shipments of stock to bear inspection tag. 1159, 13 Ap 04

1846

Boll weevil

- a **Ala.** Misdemeanor to import cotton seed affected with boll weevil. p.403, 6 O 03
- b **Ga.** Misdemeanor to bring into state boll weevil or larvae of same; shipment of cotton products or grain and fodder from localities where boll weevil exists to bear certificate of United States or state entomologist; regulations. Adding §15-23 to '00 p.89. p.19, 15 Ag 04
- c **Miss.** Entomologist of Mississippi Agricultural Station authorized to regulate inspection, sale, shipment and treatment of nursery stock, and cotton products liable to be infested with boll weevil; report to Legislature of 1896; \$10,000. 45, 18 Mr 04
- d **S. C.** Misdemeanor to import live specimen of boll weevil or cotton seed, oats or prairie hay from parts of Texas affected by boll weevil. 265, 25 F 04

1856

Noxious animals. Bounties

1864

Hawks

- a **R. I.** 25c bounty for killing wild hawks; exceptions; \$500. 1160, 13 Ap 04

1875

Domestic animals

See also 895, Cruelty to animals; 960, Milk and milk products; 1143, Communicable diseases of animals; 1588, Veterinary practice

1876

Running. Impounding. Fences

1877

Running at large

- a Ala. Governing body of county may order election to establish stock districts and repeal existing local stock laws; procedure; seizure and sale of stock; damages; appeal. p.431, 29 S 03
- b Ala. Cities of 5000 to prevent stock from running at large; impounding fees; penalties. p.365, 1 O 03
- c La. Cities of 2000 may regulate or restrict stock from running at large. 60, 29 Je 04

1882

Ownership. Sale. Miscellaneous1884 **Stealing. Driving. Using**

- a Ala. Misdemeanor to buy or sell cows between sunset and sunrise. p.418, 10 O 03
- b Ala. Butchers to record in 24 hours description of cow killed, also name and address of seller; penalties. p.419, 10 O 03

1888

Dogs

See also 1163, Rabies

- a Ia. Amending C. §2340 relating to liability of owner for damages done by dogs. 81, 13 Ap 04
- b Mass. Repealing R. L. ch.102 §138, 141 as to provision which prohibited possession of great Danes or Ulmer dogs except for exhibition purposes. 105, 24 F 04
- c Mass. Liability of owner for damages to sheep, lambs, fowls and other domestic animals by dogs. Amending '02 ch.226. 127, 2 Mr 04
- d Mass. Amending R. L. ch.102 §155 relating to investigation of damages by dogs. 142, 10 Mr 04
- e Mass. Amending R. L. ch.102 §151 as to appraisal of damages for injuries caused by dogs to domestic animals. 283, 30 Ap 04
- f N. Y. *Commissioner of public safety* [formerly mayor] in cities of 50,000 to 250,000 to destroy vicious dogs. Amending '02 ch.294 §14. 82, 18 Mr 04

1889 **Dog tax**

- a O. Amending R. S. §2833, 4215 so as to provide uniform disposition of fund created by dog tax. p.275, 23 Ap 04
- b S. C. 50c annual tax on each dog for school fund. 272, 25 F 04

1890

Forestry

See also 2742, Roads

1891

General

- a Ala. Penalty for injuring trees by boxing. Amending C. §4137. p.390, 6 O 03

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- b **La.** Providing for preservation of forests and prevention of forest fires and reforesting of denuded lands: creating State Forestry Commission; appointment of fire warden force; instruction in forestry to be given in public schools; annual report by commissioner of forestry to governor. 113, 4 Jl 04
- c **La.** Standing timber to remain an immovable and subject to laws relating to immovables, even if separated in ownership from land. 188, 7 Jl 04
- d **Mass.** Creating office of state forester: to further perpetuation of public and private forest lands; to give lecture course on forestry to Massachusetts Agricultural College; annual report to Legislature; annual expenditure limited to \$5000. 409, 3 Je 04
- e **N. Y.** Amending forest, fish and game law '00 ch.20 §224a, 225-26, 228, 230 as to prevention of forest fires: commissioner in time of forest fires may appoint 5 assistant fire wardens, at \$600 each, to serve along railroads in forest preserve counties of Adirondacks; at other times to serve as game protectors, or in reforestation; State Railroad Commission on request of commissioner to require railroads to adopt fire precautions and devices; action to recover damages to state lands in forest preserves. Adding §224b. 590, 3 My 04

1894

Forest preserves

See also 708. State parks

- a **N. Y.** Creating Catskill Park and defining boundaries. Adding §217a to forest, fish and game law '00 ch.20. 233, 5 Ap 04
- b **N. Y.** Referring to next Legislature amendment to Const. 1894 art.7 §7 relating to forest preserve: Legislature may authorize removal of dead timber for reforestation; also sale of lands outside Adirondack Park and Catskill Park; proceeds to be used for purchase of lands within parks; regulations. p.1934, 9 Ap 04
- c **N. Y.** Amending forest, fish and game law '00 ch.20 §217 defining boundaries of Adirondack Park. 304, 13 Ap 04
- d **N. Y.** \$200,000 to continue acquisition of land in Adirondack Park and \$50,000 for same purpose in Catskill Park; expenditure to be directed by Forest, Fish and Game Commission.

717, 11 My 04

1900

Game and fish

1901

General

1902

General

- a **Ia.** State fish and game warden may issue permits to fish in lakes with area of 2 square miles; seining prohibited from Dec. 1 to June 15. Amending C. §2546. 94, 22 Mr 04
- b **Ky.** County judges to appoint fish and game wardens; powers and duties; disposition of fines. 68, 21 Mr 04

ADMINISTRATIVE LAW GAME AND FISH

- c **La.** General law for protection of wild deer and game birds. 126, 5 Jl 04
- d **N. J.** Regulating fishing in Delaware bay, Delaware river and their tributaries; enforcement according to '97 ch.41. Supplementing '03 ch.246. 42, 17 Mr 04
- e **N. Y.** Miscellaneous amendments to forest, fish and game law '00 ch.20, ch.599. 578, 3 My 04; 579, 3 My 04; 580, 3 My 04
- f **N. Y.** Forest, Fish and Game Commission to compile manual of laws; 18,000 copies to be published; distribution. 589, 3 My 04
- g **O.** Revising fish and game law. 14p. Repealing R. S. §405-9c, 6960-68a. p.463, 26 Ap 04
- h **Or.** 1500 copies of game laws to be printed for distribution by state game warden. p.37, 23 D 03
- 1903 **State boards. Officers**
 - a **Md.** Providing rations for officers and crews of steamers of State Fishery Force. 202, 31 Mr 04
 - b **Md.** Salary of clerk of State Fishery Force \$1000 [formerly \$700]. Amending C. art.72 §45. 259, 7 Ap 04
 - c **Md.** Amending '96 ch.293 §1, 3-7 relating to game wardens: governor may appoint on request of state game warden, deputies for state, counties or cities; salary of state game warden \$1200 [formerly \$500]; State Fishery Force to assist latter on consent of governor. Adding §14. 346, 7 Ap 04
 - d **N. Y.** Amending forest, fish and game law '00 ch.20 §172 as to compensation of certain game protectors. 710, 11 My 04
- 1904 **Enforcement. Fines**
 - a **Mass.** State commissioners on fisheries and game and their deputies with warrant may make entry and seizure of fish and game illegally taken or held in possession. 367, 23 My 04
 - b **N. Y.** Amending forest, fish and game law '00 ch.20 §187 relating to disposition of proceeds of actions and fines for violation of law: attorneys' fees not to be applied to payment of expenses of collection. 592, 3 My 04
- 1906 **Hunters license**
 - a **Ky.** Amending '02 ch.79 §4 as to fees for hunting license of nonresident. 48, 21 Mr 04
 - b **Neb.** Providing for summary forfeiture of property used for hunting by unlicensed hunter. C. S. '01 §3173b. *Unconstitutional* in so far as provides forfeiture without hearing; deprives of property without due process of law. *McConnell v. McKillip*, 99 N. W. 505 (1904).
- 1908 **Trespass. Private lands. State waters**
 - a **N. J.** Trespasser on marsh land for gunning after notice forbidding same, to be deemed disorderly person. Supplementing '98 ch.239. 68, 28 Mr 04

1963

Fishways

- a **Mass.** State Board of Commissioners of Fisheries and Game to examine dams and *prescribe building of new fishways*; regulations. Amending R. L. ch.91 §9. 365, 23 My 04

1964

Close season

- a **Ia.** Close season for bass, pike, croppies, pickerel, catfish or other game fish, *Nov. 15* [formerly Nov. 1] to May 15. Amending C. §2540. 92, 21 Mr 04
- b **La.** Fish of fresh-water streams not to be taken from Dec. 1 to Mar. 1, or at any time except by rod and line; penalties. 147, 5 Jl 04

1965

Minimum size

- a **N. J.** Amending '03 ch.246 §31 protecting small sized bass, trout and pickerel; Long Island pickerel, varied pickerel and grass pike excepted. 239, 5 Ap 04

1966

Special methods of fishing

- a **Ga.** Fish may not be taken with seine, net, *gig or spear* from *Mar. 15 to July 1* [formerly June 1 to Sep. 1]; use of firearms prohibited. Amending '03 p.100 §6, 8. p.103, 15 Ag 04

1971

Seining. Nets

- a **Ia.** Fishing with trawl line allowed in certain cases from *May 15* to *Nov. 15* [formerly Dec. 1]. Amending C. §2540. 92, 21 Mr 04
- b **Mass.** Amending R. L. ch.91 §26, '03 ch.294 as to use of trawls in fishing in ponds. 308, 6 My 04
- c **N. J.** Amending '03 ch.246 §40 as to net used in taking carp and suckers. 236, 5 Ap 04

1974

Special kinds of fish

1977

Bait minnows

- a **Mass.** Shiners for bait may be taken in Merrimac and *Connecticut* rivers during November and December. Amending R. L. ch.91 §81. 116, 27 F 04

1978

Bass

- a **Ia.** Repealing C. §2540 so far as it prohibits taking of black bass under 6 inches in size. 93, 15 Mr 04
- b **Mass.** Repealing R. L. ch.91 §69 which regulated taking of black bass. 223, 9 Ap 04
- c **N. J.** Close season for bass, Dec. 1 to *May 20* [formerly June 15]. Amending '03 ch.246 §27. 233, 5 Ap 04
- d **N. Y.** Bass may be taken only by angling. Amending '00 ch.20 §45. 584, 3 My 04

1984

Pickerel. Pike

- a **Mass.** Pickerel less than 10 inches in length not to be taken *from waters of state* [formerly Berkshire county], sold or held in possession. Amending R. L. ch.91 §67. 329, 13 My 04

ADMINISTRATIVE LAW GAME AND FISH

- b Mass.** Clerk of town restricting the taking of pickerel to use of hook and hand line according to R. L. ch.91 §68 to notify State Board of Commissioners on Fisheries and Game; penalty.
364, 23 My 04
 - c N. J.** Close season for pickerel, Dec. 1 to May 20 [formerly May 1]. Amending '03 ch.246 §28.
233, 5 Ap 04
- 1988 Shad. Herring. Sardines**
 - a S. C.** Misdemeanor to ship shad out of state.
201, 16 F 04
- 1992 Sturgeon**
 - a N. J.** Regulating sturgeon fishing in Delaware bay, river and tributaries.
234, 5 Ap 04
- 1996 Trout**
 - a N. Y.** Close season for lake trout Oct. 1 to April 15 [formerly April 30]. Amending forest, fish and game law '00 ch.20 §44.
311, 13 Ap 04
- 1999 Shellfish. Miscellaneous**
- 2000 General**
 - a Mass.** City authorities on two thirds vote may appropriate money to propagate shellfish and may declare close season not exceeding 3 years; provisos; District Courts and trial justices to have concurrent jurisdiction with Superior Court.
282, 30 Ap 04
 - b S. C.** Unlawful to export oysters or clams in shell except from private beds; canning factories also terrapin buyers and catchers to keep book. Adding §2333a to C. C.
251, 25 F 04
- 2001 State department**
 - a R. I.** Salary of commissioners of shellfisheries \$500 [formerly \$300]. Amending G. L. ch.294 §2.
1163, 13 Ap 04
- 2002 Shellfish cultivation**
 - a N. Y.** Leases of lands for shellfish cultivation may be renewed for term of 15 years; proviso. Amending forest, fish and game law '00 ch.20 §158.
80, 18 Mr 04
- 2009 Lobsters**
 - a Mass.** State commissioners on fisheries and game may purchase lobsters with eggs attached at 25c above market price; disposition; equipment and appropriation for boat to enforce law.
408, 3 Je 04
- 2010 Oysters**
- 2011 General**
 - a Ala.** Amending C. §3159, 5574 permitting use of double rake or oyster tongs worked by hand or *by handles or ropes*.
p.389, 3 O 03; p.390, 6 O 03
 - b La.** Revision of law regulating oyster industry. Repealing '02 ch.153.
52, 29 Je 04

Mines and mining

2011-41

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- c Md. Board of Public Works to transport rubbish resulting from Baltimore fire to natural oyster beds in Chesapeake bay; oyster navy to assist in distribution. 415, 8 Ap 04
 - d Miss. State Board of Oyster Commissioners may buy or build patrol boat; to protect natural reefs in Mississippi sound; \$3000. 113, 18 Mr 04
 - e N. J. Misdemeanor to use vessel mechanically propelled to take oysters from natural beds under tidal waters. 184, 29 Mr 04
- 2013 Beds. Grounds
- a Va. Persons renting oyster grounds from state may erect piers, docks or watchhouses; provisos. 536 (ex. sess.), 31 D 03
 - b Va. Persons renting state oyster grounds may erect shucking houses. Amending '03 ch.536 (ex. sess.). 160, 14 Mr 04
 - c Va. Abandoned oyster grounds may be rerented; regulations. 176, 14 Mr 04
 - d Va. State Board of Fisheries may employ clerk to make list of all renters of oyster planting ground; regulations. 199, 15 Mr 04
 - e Va. Amending '02 ch.378 §1, 2 providing for resurvey of oyster planting grounds on petition of citizens of county to State Board of Fisheries; regulations; appropriation. 256, 15 Mr 04

2020

Mines and mining

See also 846, Taxation. For labor in mines, *see* 2040, Labor

2026 Eminent domain. Right of way

- a Ga. Provision for securing right of way by domestic *and* foreign mining corporations. Amending C. §650. p.51, 15 Ag 04

2040

Labor

See also 354, Convict labor; 418, Mechanics liens; 451, Exemptions from execution

2041

General. State bureaus and departments

See also 20, Bureaus of statistics

- a Ia. Commissioner of Bureau of Labor Statistics may appoint deputy at \$1200 [formerly \$1000] salary, *also factory inspector with approval of Executive Council and clerk at \$100 and \$65 a month respectively*; expense allowance \$1500 [formerly \$500]. Amending C. §2477. 85, 13 Ap 04
- b Mass. Providing for publication of 10,000 copies of report of committee on relations between employer and employee; distribution by secretary of commonwealth. r.4, 3 F 04
- c Mass. 4500 [formerly 6000] copies of annual report of Bureau of Statistics of Labor; statistics of manufactures to form part of report. Amending R. L. ch.94 §7 lines 79-90. 410, 3 Je 04

ADMINISTRATIVE LAW LABOR

2044

General workshop regulations*See also 1099, Buildings, sanitation and safety*

- a **Mass.** Two women members of inspection department of district police to serve as factory inspectors; salary \$1250 [formerly \$1000]. Amending R. L. ch.108 §5. 382, 27 My 04
- b **Mass.** State Board of Health to investigate factories as to conditions affecting health or safety of employees; report to Legislature of 1905; \$1000. 1.99, 3 Je 04
- c **Mass.** Governor may appoint 2 additional members of district police force, to serve as additional inspectors of factories and public buildings; preference of veterans may be withdrawn. 430, 4 Je 04
- d **N. J.** General factory law. 18p. 64, 24 Mr 04; 83, 28 Mr 04
- e **O.** Amending R. S. §4238a-b, e-f relating to inspection of workshops and factories: chief to appoint 13 [formerly 3] district inspectors with approval of governor, and redistrict state and assign inspectors; salary of inspectors, \$1200 [formerly \$1000]. p.530, 20 Ap 04

2046

Comfort of employees2047 **Seats for employees**

- a **Md.** Amending C. art.27 §147A providing seats for saleswomen in mercantile establishments; women not to be forbidden to make use of seats; local health officers to inspect establishments and institute proceedings for violation of law. 287, 7 Ap 04

2048 **Washrooms and closets**

- a **R. I.** Foundries with 10 employees to provide toilet rooms; penalties. 1142, 3 Mr 04

2052

Safety of employees*See also 2125, Employers liability*

- a **Mass.** Protecting factory operatives from injury by flying shuttles: looms to be equipped with guards approved by inspection department of district police; penalty. 347, 16 My 04
- b **N. Y.** Owners or lessees of factories in cities of 250,000 to maintain lights in hallways on order from state commissioner of labor. Amending labor law '97 ch.415 §81. 291, 13 Ap 04

2062

Mines2066 **Safety of employees**2068 *Bosses, managers etc.*

- a **Ia.** Repealing C. §2479a as to provision requiring appointment of hoisting engineer on Board of Examiners of Mine Inspectors. 86, 12 Mr 04

2072 **Hospital accommodations and medical aid***See also 2167, Miners hospitals*

- a **O.** Operators or superintendents of mines employing 10 miners to provide stretchers and medical aid for persons injured at mines. p.63, 1 Ap 04

Hours. Wages

2077-103

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2077

Railways

2078 Health of employees

2079 Vestibules

a La. Misdemeanor not to provide vestibules on electric street cars from Nov. 15 to Mar. 15. 81, 4 J1 04

b S. C. All street cars [formerly except Charleston county] to have vestibules. Amending '02 ch.573. 236, 22 F 04

2080 Safety of employees

a O. Misdemeanor to place mail cranes or live stock chutes so as to come nearer than 18 inches to cab of widest locomotive used on railroad. p.274, 23 Ap 04

2082

Sweat shops

a N. Y. Amending labor law '97 ch.415 §2, 100-1, 103, 105 relative to tenement-made articles: tenement *houses* [formerly room or apartment in same] to be licensed; list of articles extended; license to be issued only on health inspector's report that premises are sanitary and not infected by disease; semiannual inspection.

550, 3 My 04

2084

Hours

See also 1612, Labor day; 2112, Employment

2085

General

a La. Proprietors of retail establishments in cities of 50,000 to allow employees 1 hour for meal time or recreation. 195, 7 J1 04

2086 Women

2088 Mercantile establishments

a Mass. Amending R. L. ch.106 §23 relating to hours of women employed in mercantile establishments: provision of 58 hour law extended to include month of December. 397, 2 Je 04

2089 Children

See also 2118, Employment of children

2091 Mercantile establishments

a Mass. Amending R. L. ch.106 §23 relating to hours of children employed in mercantile establishments: provision of 58 hour law extended to include month of December. 397, 2 Je 04

2096

Public work

a Mon. Amending Const. 1889 art.18 by adding §4, 5: establishing 8 hour day for state, county or municipal public work. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03

2100

Wages

See also 418, Mechanics liens

2103 Mode of payment: money, company stores, certificates

a Ill. Mining and manufacturing corporations not to keep general supply stores. p.212, 28 My 91. *Unconstitutional.* Interfer-

ence with freedom of contract. Class legislation. Unequal protection of laws. *Kelleyville Coal Co. v. Harrier*, 69 N. E. 927 (1904).

- b **Mo.** Requiring wages to be paid in lawful money or orders bearing interest and payable in lawful money. p.206, 8 Ap 95. *Unconstitutional*. Deprives of property without due process of law; restricts freedom of contract. *State v. Missouri Tie & Timber Co.*, 80 S. W. 933 (1904).

- c **S. C.** Employer failing to redeem labor token within 30 days to forfeit \$50 to employee or holder; *manufacturers of lumber and brick to redeem on pay days only*. Amending C. C. §2720.

254, 25 F 04

2104 Period of payment

- a **Md.** Mining, manufacturing, railroad, telegraph, telephone, quarrying and express companies to pay employees *semimonthly at intervals of not more than 16 nor less than 14 days* [formerly not later than 10th of month]. Amending '02 ch.589. 93, 17 Mr 04

- b **N. J.** Amending '99 ch.38 §3 requiring employers to pay wages in lawful money every 2 weeks: enforcement by commissioner of labor.

195, 29 Mr 04

Employment

2112

General

2113

2113(5) Contracts

- a **Ala.** Amending C. §4730 relating to obtaining property from employer by false pretense of contract; *refusal or failure to perform or refund prima facie evidence of intent*. p.345, 1 O 03

- c **S. C.** Punishment for violation of labor contract not to discharge contract. Amending Crim. C. §357. 242, 25 F 04

- d **S. C.** Miscellaneous amendments to Crim. C. §357 relating to violation of labor contract. 243, 25 F 04

2114 Employment offices. Emigrant agents

- a **Ala.** Misdemeanor for emigrant agents to hire laborers or solicit emigrants without license from state auditor; annual fee, \$500 for each county in which operating; penalties. p.344, 1 O 03

- b **Cal.** Misdemeanor for employment agent to retain fee if applicant fails to obtain employment; fee limited to 10% of 1st month's salary; registration. 11, 12 F 03. *Unconstitutional* as to limitation on fee. Restricts freedom of contract; not within police power. Ex parte Dickey, 77 P. 924 (1904).

- b1 **N. Y.** Regulating employment agencies in cities of 50,000

432, 27 Ap 04

- c **O.** General law regulating private employment agencies: commissioner of labor statistics to issue license on payment of annual fee and bond of \$500 with surety; registration fee limited to \$2 to be repaid to applicant on failure to obtain position; *female help not to be sent to houses of ill fame; enforcement by commissioner*.

p.485, 26 Ap 04

Employment

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2115 Free employment bureaus

- a O. Amending R. S. §308-8a relative to free public employment offices: commissioner of labor statistics to *divide state into 5 districts for establishment of same*; to appoint the several superintendents with approval of governor at \$1500 [formerly \$1200] salary; [formerly offices restricted to cities of 1st class and 1st and 2d grade of 2d class]. p.101, 19 Ap 04

2118 Children

See also 2270, Compulsory education

- a Ala. Children under 10 not to be employed in factories, or under 12 unless necessary for own or parent's support; parent's affidavit to be filed with employer; children under 12 may work but 66 hours a week; children under 13 not to work between 7 p. m. and 6 a. m. and under 16 night work limited to 48 hours a week. p.68, 25 F 03
- b Mass. Amending R. L. ch.106 §31 relative to age and school certificates of minors: school committee to designate person to pass on certificate, when no school census, certificate of birth or local register is available. 432, 4 Je 04
- c N. J. Protecting minors from neglect and restricting employment: imprisonment in default of paying fine limited to 1 year [formerly 20 to 90 days]. Amending '80 ch.95 §11. 178, 29 Mr 04
- d O. Amending '02 p.598 relating to employment of minors: children under 14 not to be employed *as messenger or driver* for factory, mercantile or other establishment; employers of minors under 16 to require age and schooling certificate as condition of employment according to R. S. §4022 subdiv.2, and to file same for inspection. p.321, 25 Ap 04

2119

Mines

2121 Children

- a Mon. Amending Const. 1889 art.18 by adding §3, 5: children under 16 not to be employed in mines. *Adopted November 1904.* 49, 3 Mr 03; 4 (2d ex. sess.), 10 D 03

2122

Public work. Aliens

- a Ill. Forbidding the employment of aliens on public works or works partly paid for with public funds. p.2, 1 Je 89. *Unconstitutional.* Impairs freedom of contract. *City of Chicago v. Hulburt*, 68 N. E. 786 (1903).
- b Mass. Amending R. L. ch.106 §14 relating to employment on public works: preference *to be given to citizens of state*, secondly, to citizens of United States. 311, 9 My 04

2123

Railways

- a O. Misdemeanor to employ on railroad flagmen or hostlers unable to read, write and speak English; exception. p.72, 7 Ap 04

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2125 Employers liability. Insurance

See also 1730, Insurance

- a O. Relating to action brought by employee or legal representative for personal injuries caused by negligence of employer to provide machinery guards: continuance in employment knowing of omission not to operate as defense; damages awarded for fatal injuries limited to \$5000, lesser injuries, \$3000. p.547, 3 My 04

2130 Unions. Associations

- a Mass. Providing for registration of insignia of *societies, associations and* labor unions, and prohibiting unauthorized use.

335, 13 My 04

2134 Labor disputes

2136 Conciliation and arbitration

- a Md. Providing for settlement of labor disputes: chief of Bureau of Industrial Statistics to try to secure arbitration; selection of board of arbitration; on failure of mediation chief to investigate and publish report; powers and duties. 671, 12 Ap 04
- b Mass. Amending R. L. ch.106 §2-5 relating to powers of State Board of Conciliation and Arbitration: board on request of governor to investigate controversy. 313, 9 My 04
- c Mass. Salary of members of State Board of Conciliation and Arbitration, \$2500 [formerly \$2000]. Amending R. L. ch.106 §1. 399, 2 Je 04
- d Mo. Creating State Board of Mediation and Arbitration. p.195, 7 Mr 01 as amended by p.218, 28 Mr 03. *Unconstitutional* as to §5 authorizing board to apply to Circuit Court for punishment of witnesses for contempt. Circuit Court can not punish for contempt save to maintain its own authority; judicial powers can not be vested in board. *State v. Ryan*, 81 S. W. 435 (1904).

2137 Blacklisting. Membership in unions

- a Ala. Prohibiting corporations from blacklisting or using means to prevent employment; penalties. p.281, 26 S 03
- b Ind. Unlawful to prevent discharged employees from obtaining employment elsewhere. 166, 9 Mr 89. *Unconstitutional* as to §2, applying provisions of act to those voluntarily leaving employment. Subject-matter not within title. *Wabash Ry. Co. v. Young*, 69 N. E. 1003 (1904).
- c Kan. Providing penalty for attempting to prevent employees from joining labor unions. 120, 18 F 97. *Unconstitutional*. Denies equal protection of laws; impairs freedom of contract; restricts liberty of citizen. *Coffeyville Vitrified Brick & Tile Co. v. Perry*, 76 P. 848 (1904).

Poor relief

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2138

Boycotts. Interference

- a Ala. Prohibiting boycotting, unfair listing or any interference with lawful trade; penalties. p.281, 26 S 03

2139

Strikes

- a N. Y. Misdemeanor to bribe labor representatives to prevent or cause strikes. Adding §447f to Pen. C. t.12. 659, 9 My 04

2140

Charities

BY HELEN PAGE BATES

See also 60, State institutions; 335, Corrections; 582, Corporations not for profit; 1761, Fraternal beneficiary societies

2143

State institutions (general)

- a N. J. Parent or guardian making application for person to enter any state institution for defectives to waive right of removal of inmate; provisos; approval of certificate of admission. Supplementing '73 ch.210, and amending §3. 134, 28 Mr 04; 135, 28 Mr 04

2144

Local boards and officers

- a Va. Amending C. §95 as to time of appointment of superintendents of the poor; vacancies. 213, 15 Mr 04

2148

Poor relief

See also 260, Vagrancy; 2406, Pensions and relief

2149

General

- a Md. Contingent fund of \$250,000 for relief of destitution caused by Baltimore fire to be placed at disposal of State Board of Public Works. 129, 22 Mr 04

2151

Support of pauper. Settlement

- a N. J. Amending R. S. '74 p.573 relative to liability of relatives to maintain their poor: Court of Quarter Sessions to determine; court may order weekly payment not exceeding \$6 for a year and compel surety, not exceeding \$500 in amount, also enforce payment of costs. 172, 175, 29 Mr 04
- b N. Y. Amending Crim. P. §915 relating to court order to compel support of poor relatives. 520, 29 Ap 04

2155

Poorhouses

2157 Local institutions

- a Mass. Persons committed to almshouse or workhouse for offenses against laws to be separated from pauper inmates. 274, 30 Ap 04
- b O. County commissions may anticipate tax levy and issue bonds to \$50,000 to rebuild infirmary destroyed by fire. p.33, 4 Mr 04
- c O. County commissioners may erect temporary buildings on condemnation of infirmary by board of health; bond issue limited to \$10,000. p.169, 22 Ap 04

ADMINISTRATIVE LAW CHARITIES

2160

Sick and disabled*See also* 1018, Communicable diseases

2162

Ambulances

- a Mass.** Hospital ambulances to have right of way in public highways. 161, 19 Mr 04

2165

Hospitals2166 **State hospitals**

- a Miss.** Providing for management of State Charity Hospital at Vicksburg: reorganizing board of trustees; appointment of surgeon and steward; method of expenditure; biennial report to Legislature. Repealing '96 ch.10. 112, 9 Mr 04

2168 **Local hospitals**

- a Ala.** Governing body in counties of 35,000 may appropriate money to care for sick and wounded in hospitals within county. p.183, 5 Mr 03
- b Ala.** Cities of 5000 may make appropriations to care for sick in hospitals within city. p.411, 10 O 03
- c N. J.** Towns, boroughs or villages on majority vote at annual election may contribute to support of public patients in any hospital in state. 7, 29 F 04
- d N. J.** Counties without hospitals may appropriate sum not exceeding \$15,000 [formerly \$1000] toward support of county patients in private hospitals. Amending '86 ch.195. 92, 28 Mr 04
- e N. J.** Cities without hospitals may support patients in private hospitals within city; referendum. 223, 30 Mr 04
- f N. J.** Cities may levy annual tax of 1 mill for support of public hospital within city. 224, 30 Mr 04

2172

Children*See also* 371, Juvenile offenders; 444, Guardianship; 474, Family; 2118, 2121, Employment

- a Ga.** Courts of Record may commit dependent and neglected children from 4 to 14 to private undenominational institutions till 16 years of age; counties may pay for each child not to exceed \$50 a year; annual inspection of institutions by joint legislative committee annually appointed, and annual report to Legislature. p.93, 15 Ag 04
- b Ky.** \$15,000 annual appropriation for Kentucky Children's Home Society; annual statement to auditor of public accounts. 7, 20 F 04
- c Md.** Amending '00 ch.316 §1 defining powers of juvenile institutions and societies: managers may discharge minors before majority, permit return to parents or relatives, or return them to institution after placing out. 77, 15 Mr 04
- d Mass.** City truant officers and town overseers of poor to search out dependent and neglected children under 16, provide temporary

Deaf and dumb

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care, pending proceedings; payment of expenses by place of legal settlement, or on approval by State Board of Charity.

356, 20 My 04

- e N. J. Cities of 150,000 may provide annual excursions for children; expenditure limited to \$5000. 69, 28 Mr 04

- f N. Y. Children over 2 years of age not to remain in state's prison; commitment to asylum for children or to care of relatives.

547, 3 My 04

2174

Crippled and deformed children

- a Mass. Providing for establishment of Massachusetts School and Home for Crippled and Deformed Children; organization and management; annual report of trustees to governor; provision for \$300,000 loan. 446, 8 Je 04

2182

Placing out

- a Ia. Board of Control of State Institutions to appoint state agent for Soldiers' Orphans Home, Industrial School for Boys, and Industrial School for Girls; to place out and visit children in homes; indenture and adoption; reports to board. 157, 13 Ap 04
- b Mass. Board of trustees of Lyman and state industrial schools to bind out children in families or homes of same religious belief; proviso. Amending R. L. ch.86 §36. 363, 23 My 04

2184

Deaf and dumb

- a Md. Compulsory education of deaf children: children 8 to 16 to attend school for deaf for 8 months, or during school year; exceptions; penalties. Adding §139-41 to C. art.77. 299, 7 Ap 04

2186

State institutions

- a Ala. Amending C. §3700, '00 p.23 relative to Alabama School for the Deaf: 11 trustees of managing board to be *chosen by board* [formerly governor]; renewal; vacancies; procedure. p.45, 12 F 03
- b Ala. Trustees of State School for Deaf and State School of Negro Deaf and Blind on recommendation of principal may extend term of pupil to 14 [formerly 10] years of age. Amending C. §3704, 3723. p.47, 12 F 03
- c Ia. Amending C. §2724 relating to admission fee for nonresident pupils in School for Deaf at Council Bluffs. 108, 24 F 04
- d Ky. Changing name of Kentucky Institution for Education of Deaf Mutes to Kentucky School for Deaf. 42, 19 Mr 04
- e Miss. Appointing commission to select site near Jackson for state institution of deaf and dumb; cost limited to \$75,000; to contract for erection and furnishing of same, also to sell property occupied by white departments of former institution; report to Legislature of 1906. 108, 14 Mr 04

ADMINISTRATIVE LAW CHARITIES

- f N. D. Submitting amendment to Const. 1889 §215 subdiv.5: changing name of Deaf and Dumb Asylum to School for Deaf and Dumb of North Dakota. *Adopted November 1904.* p.295, 2 Mr 03
- g O. Amending R. S. §664 increasing compensation of teachers and employees in Institution for Education of Deaf and Dumb. p.521, 18 Ap 04
- h Va. Amending C. §1653, 1656, 1656a, 1657 relating to board of visitors of Virginia School for Deaf and Blind: partial renewal; vacancies; meetings; reports. 39, 27 F 04

2188

Blind

- a Mass. Governor with consent of Council to appoint 3 commissioners to prepare register of adult blind from 20 to 60 years; to consider feasibility of establishing industrial schools; report to Legislature of 1905; \$5000. r.87, 23 My 04
- b O. Provision for pensioning indigent blind: county may make quarterly payments limited to \$25; certificates to be issued by probate judge, and certification made to county commissioners; regulations. Repealing R. S. §1491a-b. p.392, 25 Ap 04
- c R. I. State Board of Education to provide for instruction of adult blind in their homes; \$1500. r.11, 13 Ap 04

2191

State institutions

- a Ala. Trustees of State School for Blind and of State School of Negro Deaf and Blind, on recommendation of principal, may extend term of pupil to 14 [formerly 10] years of age. Amending C. §3714, 3723. p.47, 12 F 03
- b Ga. Provision for removal of Georgia Academy for Blind in Macon to suburbs of city; disposition of grounds and buildings, and purchase of other property authorized. p.89, 13 Ag 04
- c Ia. Amending C. §2715 relating to admission for nonresidents in College for Blind at Vinton. 107, 24 F 04
- d O. Amending R. S. §670 increasing compensation of officers and employees of Ohio State School for Blind. p.549, 3 My 04
- e Va. Amending C. §1653, 1656, 1656a, 1657 relating to board of visitors of Virginia School for Deaf and Blind: partial renewal; vacancies; meetings; reports. 39, 27 F 04

2192

Insane*See also 60, State institutions; 446, Guardianship*

2193

General

- a Md. Dependent insane persons to be maintained by *state* [formerly county]; transfer from county and city almshouses to state hospitals after January 1909; commission designated to provide for additional state hospitals and report to Legislature by January 1906. Amending C. art. 59 §2. 421, 8 Ap 04

2194

State boards and officers

- a N. Y. Providing for examination of insane, idiotic, imbecile and epileptic immigrants at port of New York: State Board of Alienists created; port wardens of port of New York to aid in deportation.
326, 13 Ap 04
- b N. Y. Salary of president of State Lunacy Commission \$7500 [formerly \$5000]. Amending insanity law '96 ch.545 §3.
330, 13 Ap 04

2196

Asylums

2198 State asylums

- a La. \$25,000 additional appropriation for equipment of Insane Asylum for Colored Persons at Alexandria established in 1902.
5, 15 D 03
- b La. Changing name of Insane Asylum for Colored Persons of State of Louisiana to *Louisiana Hospital for Insane* at Alexandria; *white and* colored patients to be received. Amending '02 ch.92 §1, 2, 8, 9, 15, 16.
143, 6 J1 04
- c N. Y. Establishing State Reception Hospital for Insane in borough of Manhattan; State Lunacy Commission to approve site, lease lands and supervise plans and erection of buildings; \$300,000.
760, 14 My 04
- d O. Committee of 5 to be appointed by governor to consider location for state hospital for insane; report to Legislature of 1906.
p.651, 25 Ap 04
- e W. Va. Revision of '97 ch.7, '03 ch.32 relating to organization and management of West Virginia Asylum at Huntington.
23, 12 Ag 04

2199 Institutional boards, officers and employees

- a N. Y. Fixing salaries of certain officers and employees of state hospitals: salary advanced from minimum to maximum rate according to length of service. Amending §38 and adding §38a to insanity law '96 ch.545.
714, 11 My 04

2200 County asylums and officers

- a O. Commissioners of county owning or partly maintaining hospital for insane may levy annual $\frac{1}{16}$ mill tax for support.
p.73, 7 Ap 04
- b O. Commissioners of county owning or partly maintaining hospital for insane may borrow money to \$150,000 for improvements; bond issue.
p.74, 7 Ap 04
- c O. Commissioners of county owning or partly maintaining hospital for insane may condemn land for use of same; procedure.
p.81, 8 Ap 04

2203 Support. Right of admission

- a Ia. Costs of care and commitment of insane to be borne by county of legal settlement; state to pay if no settlement within state. 78, 30 Mr 04

2205 Inquest. Commitment. Discharge

- a Ala. Providing for maintenance of alleged insane pending investigation before probate judge of county. p.237, 17 S 03
- b Mass. State Board of Insanity may transfer and commit insane persons to State Hospital. 278, 30 Ap 04
- c Mass. Amending R. L. ch.87 §33, 47-48, 73, 118 relating to commitments of insane persons and respective fees. 459, 9 Je 04
- d N. Y. Amending insanity law '96 ch.545 §64 relative to costs of commitment. 428, 27 Ap 04
- e O. Common pleas judge may conduct investigation as to admission of insane to state asylums, when probate judge absent or incapacitated. p.164, 22 Ap 04
- f O. Amending R. S. §719 as to certain fees in insanity inquests. p.296, 23 Ap 04
- g Va. Insane person may be committed to private sanatorium for 4 months without expense to state, county or city. Amending C. §1670. 240, 15 Mr 04

2206 Transportation. Transfer

- a Ia. Providing for payment of expenses incurred in returning patients escaped from hospitals for insane. Amending C. §2287. 79, 15 Mr 04

2207 Discharge. Parole. Recommitment

- a O. Amending R. S. §709 relative to discharge of patients from state hospital [formerly asylum] for insane. p.52, 25 Mr 04

2210 Epileptics**2213 State asylums and colonies**

- a N. Y. Conferring on superintendent of Craig Colony for Epileptics power to regulate autopsies; provisos. Adding subdiv.11 to state charities law '96 ch.546 §107. 545, 3 My 04
- b W. Va. Revision of '97 ch.7, '03 ch.32 relating to organization and management of West Virginia Asylum at Huntington. 23, 12 Ag 04

2215 Feeble-minded**2218 State institutions**

- a N. Y. Rome State Custodial Asylum to receive, maintain and treat *custodial class of feeble-minded persons and idiots* [formerly unteachable idiots]; superintendent to be appointed by board of managers on civil service examination and diploma from medical

Elementary and secondary

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college with 3 years experience with defective classes, epileptic or insane persons. Amending state charities law '96 ch.546 art.6.

462, 28 Ap 04

- b N. D. Submitting amendment to Const. 1889 §215 subdiv.8: Institution for Feeble-minded to be removed from Jamestown to Grafton. *Adopted November 1904.* p.294, 5 Mr 03

- c W. Va. Revision of '97 ch.7, '03 ch.32 relating to organization and management of West Virginia Asylum at Huntington.

23, 12 Ag 04

2220

Education. Science. Culture

See also 2184, Deaf and dumb; 2188, Blind

2222

Elementary and secondary education

2223

General systems. Codes

- a Ala. Municipal corporations may purchase school property on unanimous consent of local authorities, approved by mayor and two thirds vote of electors; also may levy tax to maintain schools limited to 2½ mills, total tax not exceeding 5 mills. p.398, 6 O 03

- b Ky. Providing for establishment of graded schools in common school districts bordering on county lines. 36, 18 Mr 04

- c La. Generally amending '02 ch.214 relating to public schools.

167, 6 Jl 04

- d Md. Generally amending C. art.77 relating to public education: reorganization of State Board of Education; district school trustees; county school commissioners; district libraries; normal school departments receiving state aid to report annually to state board.

584, 12 Ap 04

- e Mass. School committees may expend money to exhibit work of public schools at national, state or foreign expositions.

172, 22 Mr 04

- f N. J. Establishing general school system. 36, 26 Mr 02. *Unconstitutional.* Classification special; special legislation. *Ricio v. Mayor of Hoboken*, 55 A. 1109 (1903).

- g N. J. General school law. 91p. 1 (ex. sess.), 19 O 03

- h N. Y. Amending consolidated school law '94 ch.556 t.8 §42 extending to school districts of 5000 established under special statutes certain rights of union free school districts. 427, 27 Ap 04

- i O. Generally amending school law R. S. t.3 ch.1-13. 47p.

p.334, 25 Ap 04

- j Va. Revision of C. ch.66 relating to public schools for counties and to literary fund. 509 (ex. sess.), 28 D 03

- k Va. Generally amending C. ch.67 relative to public schools in cities and towns constituting separate school district. Repealing §1532, 1535-37, 1539, 1540.

512 (ex. sess.), 31 D 03; 519 (ex. sess.), 31 D 03

- m Va. Miscellaneous amendments to C. ch.66 relating to public free schools for counties and to literary fund. 101, 11 Mr 04

2224 Meetings. Elections. Suffrage

2225 General

- a Ala. Annual school meeting of township trustees to be held on 1st Monday in September [formerly last Monday in October]; teachers to be elected at meeting. Amending C. §3562. p.151, 4 Mr 03

2227 Districts. Formation. Division. Consolidation

See also 2272, Consolidation of schools

- a Ala. Providing for election of trustees and management of school districts when new counties created or county lines changed. p.264, 26 S 03
- b Ala. Provision for redistricting public schools: township lines abolished; county redistricting boards created; establishment of districts; district and county boards of trustees; county boards of education; apportionment. p.289, 30 S 03

2228 Officers. Boards

2229 State

- a La. Submitting amendment to Const. 1898 art.249: salary of superintendent of public education, \$3000 [formerly \$2000]. *Rejected November 1904.* 123, 6 J1 04
- b Mass. Amending R. L. ch.39 §2 and repealing §3, 4, 9, 12-16 relating to State Board of Education: total expenses for salaries of secretary, and employees of board limited to \$20,000 and traveling expenses to \$3000 annually. 234, 13 Ap 04
- c N. Y. Consolidating Department of Public Instruction and University of the State of New York: office of state superintendent of public instruction and secretary of University abolished and state commissioner of education created; Board of Regents reorganized. 40, 8 Mr 04
- d Va. Repealing '03 ch.254 (ex. sess.) relating to organization of State Board of Education. 520 (ex. sess.), 31 D 03

2230 County

- a Ia. Amending C. §2738 as to annual financial report of normal institute by county superintendent of schools. 113, 13 Ap 04
- b Miss. County superintendents of education to receive \$500-\$800 [formerly \$150-\$600] salary. Amending Ann. C. '92 §3983. 165, 18 Mr 04
- c Miss. County superintendent of education may appoint deputy in case of sickness; qualifications; salary. 106, 22 Mr 04
- d Mon. Prescribing qualifications for county superintendent of schools. P. C. §1744. *Unconstitutional* in so far as it requires

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teacher's certificate of highest county grade. Legislature can not prescribe for constitutional offices additional qualifications to those imposed by Constitution. *State v. Acton*, 77 P. 299 (1904).

- e Va. Repealing C. §208 which required certificates of election to be sent to county boards of school commissioners on election by Legislature. 458 (ex. sess.), 17 D 03

2231 District, township and municipal

- a Ky. Board of trustees of graded common school to consist of 5 [formerly 6] members. Amending '93 ch.260 §105. 37, 18 Mr 04
- b Ky. Amending '93 ch.222 §238 as to salary of secretary of board of education in cities of 3d class. 91, 22 Mr 04
- c Mass. Members of school committees ineligible to position of teacher or superintendent of schools in same locality. 173, 22 Mr 04
- d Mass. State Board of Education to fix qualifications of superintendent of public schools in superintendency unions receiving state aid; proviso. 215, 9 Ap 04
- e N. J. Amending '03 §78 (ex. sess.) relative to district boards of education: number of trustees may be reduced to 5 or 3; procedure; board of trustees in new township. 28, 14 Mr 04
- f R. I. Towns uniting to employ superintendent of schools to receive state aid equal to amount raised by union; repealing provision which restricted state aid to union with less than 40 schools. Amending '03 ch.1101 §3-5. 1147, 23 Mr 04
- g S. C. Minor amendment to '03 ch.30 relating to election of trustees in school district under 5000. 295, 8 Mr 04

2232

Buildings. Grounds

2233 Construction. Sites. General

- a Ia. Independent school districts in cities or towns of 2000-3000 may incur indebtedness for schoolhouse purposes limited to 2½% of taxable property in district; procedure. 114, 30 Mr 04
- b Miss. County supervisors and trustees of separate school districts may apply school fund balances to improving school buildings, not exceeding \$150 [formerly \$25] to each school. Amending '96 ch.112. 121, 11 Mr 04
- c N. J. Amending '03 ch.1 §76 (ex. sess.) as to issue of school bonds for purchase of lands, erection and improvement of school district buildings; sale of bonds. 40, 16 Mr 04
- d N. J. Repealing '03 ch.74 which authorized municipalities and school districts to raise money for school lands and buildings. 111, 28 Mr 04
- e N. J. Cities of 12,000 to 150,000 may convey portion of municipal lands not exceeding one third, to school board for public school purposes. 140, 28 Mr 04.

ADMINISTRATIVE LAW EDUCATION

- f **N. Y.** Schoolhouses to be erected in incorporated village, school district or city under 50,000, costing \$500, to be approved by state commissioner of education as to ventilation and fire protection. Amending consolidated school law '94 ch.556 §17. 281, 13 Ap 04
- g **N. Y.** Amending consolidated school law '94 ch.556 t.9 §2 relative to acquisition of schoolhouse sites. 305, 13 Ap 04

2237

General school finance

For finance of state educational institutions, *see* 2332

2239

State and local

2240 **Funds. Lands. Taxes**

See also 773. Public lands

- a **Ala.** Providing for sale of 16th section school lands containing minerals. p.245, 22 S 03
- b **Ky.** Amending '93 ch.241 §9 subdiv.2, 96 as to levy of additional school tax of 1½ mills; proviso. 112, 24 Mr 04
- c **La.** Submitting amendment to Const. 1898 art. 46: Legislature elected in April 1904 authorized to issue \$1,000,000 of 3%, 25 year bonds for educational purposes; exemption from taxation. *Rejected November 1904.* 33, 23 Je 04
- d **La.** Providing for \$1,000,000 bond issue for educational purposes, and disposition of funds, on adoption of amendment to Const. 1898 art.46 in November 1904. 37, 24 Je 04
- e **La.** Amending '98 ch.170 §90 as to rate of annual levy for school purposes. 63, 29 Je 04
- f **La.** State and parish boards of education may accept and administer donations for educational or literary purposes; procedure. 158, 5 Jl 04
- g **Miss.** County supervisors may lease *for 3 years* school lands for turpentine or *pasturage* purposes, or sell *timber* [formerly pine] thereon. Amending '98 ch.41 §1. 124, 18 Mr 04
- h **N. J.** Amending '03 ch.187 relative to transfer of lands and mortgages held by state sinking fund for support of public schools. 104, 28 Mr 04
- i **N. Y.** Repealing consolidated school law '94 ch.556 t.2 §1, 2 which provided for state school tax and apportionment of school moneys. 390, 26 Ap 04
- j **Va.** Verbal amendment to C. §1421 relating to bequests and gifts made to State Board of Education for educational purposes. 475 (ex. sess.), 18 D 03
- k **Va.** Repealing C. §1513 relating to payment of arrearages of state school funds. 520 (ex. sess.), 31 D 03
- m **W. Va.** Amending C. ch.105 §4, 14 relating to county commissioner of school lands: term 4 years; annual report to auditor. 18, 12 Ag 04

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- n **W. Va.** Amending C. ch.45 §38, 40, 45, 60, 62 relating to school funds and tax levies. 19, 15 Ag 04
- 2241 **Investment of funds**
- a **Mass.** Providing for permanent investment of technical education fund, commonwealth grant. 174, 22 Mr 04
- b **Minn.** Submitting amendment to Const. 1857 art.8 §6: permanent school and university funds may be invested in indebtedness of localities unless bonds purchased make bonded indebtedness exceed 15% [formerly 7%] of assessed valuation. *Adopted November 1904.* 25, 3 Mr 03
- c **S. D.** Submitting amendment to Const. 1889 art.8 §11: school funds may be invested in county, township or city bonds; no loan to exceed \$5000 or *one third* [formerly one half] valuation of land covered by mortgage; interest charge not less than 5% to be fixed by Legislature. *Adopted November 1904.* 99, '03
- 2242 **Apportionment**
- a **Ky.** Amending '02 ch.63 §2 relating to distribution of school fund. 28, 12 Mr 04
- b **Mass.** State school fund: no apportionment to towns not complying with school law; fund not to be used for expenses of school committees. 107, 24 F 04
- c **Miss.** Amending Const. 1890 §206: division into county and state common school funds; county fund, consisting of poll tax to be retained in county where collected; *state* [formerly entire] fund to be apportioned among counties and school districts proportionally to children of school age. *Adopted November 1900; ratified by Legislature of 1904.* 201, 6 Mr 00
- d **N. Y.** School moneys to be paid to county treasurers and city chamberlain of New York *between April 1 and May 15.* Amending consolidated school law '94 ch.556 t.2 §12. 166, 28 Mr 04
- e **N. Y.** State commissioner of education to apportion education fund and certify to comptroller for distribution and payment; [formerly distributed by superintendent of public instruction and University of the State of New York]. Amending state finance law '97 ch.413 §80. 225, 4 Ap 04
- f **N. Y.** School district maintaining home school of 12 pupils to receive teacher's quota additional to district quota. Amending consolidated school law '94 ch.556 t.15 §14. 322, 13 Ap 04

2243

County, district and municipal

2244 **General. Accounts. Miscellaneous regulations**

- a **Ala.** Providing for county election on question of special school tax; procedure. p.350, 1 O 03

ADMINISTRATIVE LAW EDUCATION

- b Fla.** Amending Const. 1885 art.12 §8: counties to levy annual school tax of 3 to 7 [formerly 5] mills. *Adopted November 1904.*
p.637, 13 My 03
- c Ga.** Amending Const. 1877 art.8 §4 ¶1: counties [formerly on recommendation of 2 grand juries], *militia districts, school districts* and municipal corporations may maintain public schools by local taxation, on two thirds vote of *persons voting at special election* [formerly of qualified voters]. *Adopted October 1904.*
p.23, 17 Ag 03
- d Miss.** County supervisors may pay school teachers in certain cases of deficit in school funds. 105, 14 F 04
- e Miss.** County superintendents may defer or alter contracts with teachers on information as to amount of county appropriation to be received from common school fund. Amending Ann. C. '92 §4035. 167, 3 Mr 04
- f N. J.** District board of education, when district contains more than 1 municipality, may designate custodian of district school moneys. Amending '03 ch.1 §185 (ex. sess.) 188, 29 Mr 04
- 2245 Debts**
- a N. J.** School districts may issue bonds to pay indebtedness; bonds to be lien on property of district and of inhabitants. Supplementing '03 ch.1 (ex. sess.). 110, 28 Mr 04
- b N. J.** Bonds issued by consolidated school districts to be lien on inhabitants and property of municipalities comprising such district. Supplementing '03 ch.1 (ex. sess.). 139, 28 Mr 04
- c Va.** County supervisors may levy special tax on school district property to pay interest and principal on district bonds. 599 (ex. sess.), 12 Ja 04

2246

Negroes

- a Ky.** Proceeds of county seminary property vested in common school district to be used for schools for *white* [formerly all] pupils. Amending '96 ch.14 §1. 31, 17 Mr 04
- b Ky.** Cities of 4th class may separate system of graded schools into schools for white and colored pupils; regulations. 53, 21 Mr 04
- c Ky.** Prohibiting white and colored persons from attending same school; \$1000 fine for operating school, college or institution, or for teaching therein. 85, 22 Mr 04

2247

Teachers

2250 Teachers associations

- a Mass.** County teachers associations to receive from state \$50 [formerly \$25] for each annual meeting in interest of schools; regulations. Amending R. L. ch.40 §4. 383, 27 My 04

Teachers

2252-66

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

2252

Employment. Pay. Pensions

2254 Salaries

- a Ala. County superintendents of education to pay school teachers *monthly* [formerly quarterly]; regulations. Amending C. §3610, 3612. p.153, 24 Mr 03
- b Miss. Salary of 1st grade public school teacher, \$25 to \$65 [formerly \$55] a month. Amending Ann. C. '92 §4031. 166, 22 Mr 04

2256

Qualifications. Examinations. Certificates

2258 Examinations and certificates. General

- a Ala. Amending '99 p.217 §16 as to teachers certificates: repealing provision which related to regranteeing of 3d grade certificates. p.309, 30 S 03
- b Ala. State superintendent of education may hold special examinations for teachers in May and October at state normal schools; costs to be met by applicants. p.396, 6 O 03
- c Ala. Amending '99 p.217 §19 as to duties of secretary of State Board of Examiners. p.491, 9 O 03
- d Miss. Amending '02 ch.110 as to time for examination of public school teachers. 135, 22 Mr 04
- e Va. Repealing C. §1440 relating to duties of county superintendent of schools as to examination of teachers. 520 (ex. sess.), 31 D 03

2263

Institutes

2265 Summer schools

- a Ala. Establishing Summer School for Teachers at State University; free tuition to state teachers; examinations by State Board of Examiners; \$5000 annual appropriation, on local subscription of \$2500; quadrennial report to Legislature. p.307, 1 O 03

2266

Normal schools

- a Ala. Governor and state superintendent of education made trustees of Alabama Normal College at Livingston. p.427, 9 O 03
- b Ga. Reorganizing managing board of State Normal School at Athens. Amending '91 p.126 §3-5, 7-9. p.86, 15 Ag 04
- c O. Trustees of township in which normal school is situated may levy annual tax limited to 2 mills to aid school, on submission of question to popular vote. p.389, 25 Ap 04
- cr S. C. \$100 [formerly \$44] scholarships in Winthrop Normal College may be assigned subject to competitive examination: *applicant to prove his financial inability to attend college*. 268, 25 F 04
- d Va. Amending C. §1613 subdiv.2 as to board of visitors of Virginia Normal and Industrial Institute; partial renewal. 332 (ex. sess.), 28 N 03

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- e Va. Providing for appointment of board of trustees of State Female Normal School at Farmville by system of *partial renewal*. Amending C. §1608. 528 (ex. sess.), 31 D 03
- f Va. Special joint commission to be appointed to consider advisability of establishing additional state female normal school; report to Legislature. 583 (ex. sess.), 11 Ja 04
- g Va. Amending C. §1613 subdiv.11 as to funds of Virginia Normal and Industrial Institute: board of visitors to designate banks of deposit [formerly from among state depositories]. 588 (ex. sess.), 11 Ja 04

2267

Attendance

2270

Compulsory attendance. Truancy

See also 2118, Employment (children)

- a Ia. Amending C. §2823a, 2823e relating to compulsory education: children 7 to 14 to attend school 16 [formerly 12] consecutive weeks each school year from 1st week of school; board of directors of school corporations of 20,000 shall [formerly may] appoint truant officers. 116, 6 Ap 04
- b Ky. Compulsory school attendance in 1st, 2d, 3d and 4th class cities of children 7 to 14 either in public school or private school with 5 months session; exceptions; city board of education to appoint annually 1 truant officer for each 3000 pupils; powers and duties; fines. 94, 22 Mr 04
- c Md. Compulsory education of deaf children: children 8 to 16 to attend school for deaf for 8 months, or during school year; exceptions; penalties. Adding §139-41 to C. art.77. 299, 7 Ap 04
- d Mass. Boy may be committed to county truant school as habitual truant, absentee or school offender till 16 years; [formerly commitment not to exceed 2 years]. Amending R. L. ch.46 §3, 4, 5, 8. 220, 9 Ap 04
- e Mass. State Board of Education to investigate feasibility of increasing age of compulsory school attendance to 15 years. 180, 20 My 04
- f N. Y. Compulsory education law for Indian children on reservations. Repealing '00 ch.183, '01 ch.188 relating to Allegany, Cattaraugus and Onondaga reservations. 424, 27 Ap 04

2275

School year, month, day

- a Ky. Schools must maintain 6 [formerly 5] months session to receive apportionment of school fund. Amending '93 ch.260 art.1 §2. 17, 4 Mr 04

2282

Textbooks. Curriculum. General

2283

Free textbooks

- a Mo. Amending Const. 1875 art.10 by adding §27: annual tax of ½ mill to be levied to supply schools with free textbooks. *Rejected* November 1904. p.281, '03

Higher education

2284-2336

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

2284

Uniformity

- a **Ala.** Providing for adoption of uniform series of school textbooks : creating State Text Book Commission; appointment of examining committee; 5 year contracts to be awarded; state depositories and county agencies; \$2000. p.167, 4 Mr 03
- b **Ky.** Creating State School Book Commission : to adopt uniform series of textbooks and make 5 year contract for same; county schoolbook commission to serve as examining committee; depositories; \$1000. 14p. 3, 8 F 04
- c **Miss.** Creating State Textbook Commission : to adopt uniform series of textbooks, and make 5 year contracts for same; contractor to furnish depositories. 86, 19 Mr 04

2287

Branches. Courses

2304

Music

- a **Ia.** Contingent school funds may be used to supply books for teaching vocal music, not to exceed \$25 for each school. Amending C. §2783. 115, 24 F 04

2330

Higher education

2332

State institutions (general)

- a **Ga.** State educational institutions to include in annual report and catalogue occupation of parents of students, also of graduates. p.762, 13 Ag 04
- b **Ia.** State University, State College of Agriculture and Mechanic Arts, State Normal School to report biennially to Legislature; contents of reports. 104, 13 Ap 04
- c **Ia.** Joint legislative committee of 6 members to consider advisability of changing present system of management of state educational institutions; report to Legislature of 1906; \$1200. p.211, 12 Ap 04

2335 Admission. Scholarships. Tuition

- a **S. C.** Creating 124 scholarships in Agricultural College; 4 years; \$100 annually. 290, 25 F 04

2336

State universities. Colleges

- a **Ala.** Providing for management of University of Alabama, and appointment of board of trustees according to Const. 1901 §264; quadrennial report to Legislature. p.109, 3 Mr 03
- b **La.** Submitting amendment to Const. 1898 art.255 relating to Louisiana State University and Agricultural and Mechanical College; repealing provision limiting annual appropriation for maintenance to \$15,000. *Adopted November 1904.* 12, 17 Je 04

- c La. Amending '77 ch.145 §16 authorizing Louisiana State University and Agricultural and Mechanical College to sell lands in respective counties severally owned prior to union in 1877; *proceeds to be used for support of institution.* 169, 6 J1 04
- d Miss. Repealing Ann. C. '92 §4446, and amending '96 ch.116 relating to governing board of State University: to consist of 16 [formerly 15] trustees. 122, 10 Mr 04
- e O. Library of Ohio State University made depository for library of State Geological Survey; regulations. p.649, 25 Ap 04

2336(5)

Local institutions

- a O. Boards of directors of municipal universities, colleges and educational institutions may accept educational trusts; application of funds; trusteeship to vest in city; board of education to control trust funds [formerly law applied only to University of Cincinnati and University of Toledo]. Amending R. S. §4095-97, 4099-4105. p.541, 3 My 04

2337

Private institutions

See also 582, Corporations not for profit; 812, Exemptions from general property tax

- a Ala. Institutions chartered by Legislature with power to grant diplomas and degrees may change name and amend charter; conditions; procedure. p.343, 1 O 03

2342

Professional and technical education

For examination and licensing *see* 591, Practice of law; 944, Medicine; 948, Dentistry; 949, Pharmacy; 1588, Veterinary practice. *See also* 2266, Normal schools

2344

Agricultural schools

See also 1828, Agricultural experiment stations

- a Ala. Amending C. §405, 407 relating to Board of Control of Branch Agricultural Experiment Stations and Schools; membership of board. p.259, 30 S 03
- b Ala. Requiring agriculture to be taught in public schools; cities of 500 excepted; examination in subject required for teacher's license. p.537, 10 O 03
- c Ky. \$15,000 annual appropriation for Agricultural and Mechanical College of Kentucky. 126, 26 Mr 04
- d Md. Amending '88 ch.326 §4 relating to board of trustees of Maryland Agricultural College. 537, 8 Ap 04
- e Mass. 3500 [formerly 5000] copies of annual report of Massachusetts Agricultural College to be published. Amending R. L. ch.9 §7 line 120-27. 388, 31 My 04
- f N. Y. Establishing New York State College of Agriculture at Cornell University on conveyance of lands by university; \$250,000. 655, 9 My 04

Libraries

2344-54

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- g Va. Amending C. §1591 relating to appointment of board of visitors of Virginia Agricultural and Mechanical College.

497 (ex. sess.), 26 D 03

2348(5)

Military

- a Va. Amending C. §1565, 1574, 1581-82 as to powers of board of visitors of Virginia Military Institute. Repealing C. §1569, 1576, 1579-80.

413 (ex. sess.), 10 D 03

2350

Technical and manual training

- a Ala. \$10,000 additional annual appropriation for maintenance of Alabama Girls Industrial School. p.135, 4 Mr 03
- b Ky. \$15,000 annual appropriation for Agricultural and Mechanical College of Kentucky. 120, 26 Mr 04
- c La. Submitting amendment to Const. 1898 art.256: repealing provision limiting annual appropriation for maintenance of Louisiana Industrial Institute to \$15,000. *Rejected November 1904.* 18, 17 Je 04
- d Mass. Textile schools receiving state aid to report annually to Legislature. 248, 22 Ap 04
- e Va. Amending C. §1591 relating to appointment of board of visitors of Virginia Agricultural and Mechanical College. 497 (ex. sess.), 26 D 03
- f Va. Amending C. §1613 subdiv.II, as to funds of Virginia Normal and Industrial Institute: board of visitors to designate banks of deposit [formerly from among state depositories]. 588 (ex. sess.), 11 Ja 04

2352

Libraries

BY WILLIAM F. YUST

- a Va. Revision of C. ch.18 relating to duties of secretary of commonwealth and concerning state and other libraries. Repealing '03 ch.253, ch.261 (ex. sess). 547 (ex. sess.), 2 Ja 04
- b Va. Amending C. §249, 253-55, 258-60 relating to State Library: separation of law library of Supreme Court of Appeals from State Library; library board may establish traveling library exchanges; hours of opening; use of library 53, 8 Mr 04

2354

State libraries

- a Ga. Salary of assistant state librarian, \$1200 [formerly \$800]. Amending C. §150. p.50, 16 Jl 04
- b Ky. Term of state librarian, 4 [formerly 2] years; salary \$1200 [formerly \$1000]. Amending '93 ch.262 §7. 10, 27 F 04
- c O. \$5000 appropriation to provide additional rooms for state library; governor, adjutant general and president of board of library commissioners to supervise work.

p.641, 24 Mr 04; p.515, 27 Ap 04

ADMINISTRATIVE LAW EDUCATION

- e **Va.** Providing for protection of property of State Library against mutilation and theft; misdemeanor not to return a book within two weeks after notice. 21, 19 F 04
- 2355 **Public documents**
See also Distribution of public documents
- a **R. I.** State librarian to distribute all public documents to libraries; exception. 1148, 24 Mr 04
- 2356 **Free public libraries**
- 2357 **State aid and supervision. Traveling libraries**
- a **N. J.** Amending '98 ch.175 transferring management of traveling libraries from Board of Commissioners of State Library to Public Library Commission. 23, 7 Mr 04
- 2358 **Establishment. Support. Government**
- a **Ga.** Funds appropriated by city for public library to be expended by *library board of trustees elected by city council* [formerly by city school board]. Amending '01 p.52. p.90, 15 Ag 04
- b **Ia.** City and college or university therein may jointly establish public library; selection of library treasurer. Amending C. §728, 730. 24, 13 Ap 04
- c **Ia.** Municipality exacting mulct tax may appropriate 20% in addition to regular tax to support free public libraries. Amending C. §732. 25, 13 Ap 04
- d **Ia.** Cities and towns establishing free public library may levy tax of 2 mills and additional tax of 3 mills for certain purposes. Amending C. §894 subdiv.4. 38, 13 Ap 04
- e **O.** Township trustees may levy annual tax of 1 [formerly $\frac{1}{8}$ mill] for public library. Amending R. S. §1476. p.26, 3 Mr 04
- f **O.** Women, not exceeding 3, may serve on board of public library trustees. Amending '02 p.20 §218 (ex. sess.). p.34, 15 Mr 04
- 2359 **Law libraries**
- a **Mass.** Incorporated law libraries to receive same public documents as county law libraries; additional copy for each branch. 209, 9 Ap 04
- b **O.** Providing for printing and distribution of catalogue of 1904 of Supreme Court law library. p.634, 16 F 04
- c **O.** Amending R. S. §1536 subdiv.935-36 relating to law libraries : county to provide suitable room in courthouse for library; salary of librarian limited to \$500 in certain counties. p.72, 7 Ap 04
- 2360 **School libraries**
- a **N. Y.** Providing for establishment and extension of school libraries : city and school district to raise amount equal to state appropriation; state commissioner of education to prescribe expenditure; purchase of books; \$45,000 additional appropriation. 668, 9 My 04

History

2360-66

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- b O. Municipalities may transfer property to trustees of public library for school district libraries. p.133, 21 Ap 04
- c S. C. School libraries: county and state boards of education to add \$10 to each \$10 private subscription; books selected by local board from list by state board; exchange of libraries; appropriation limited to 12 schools in county; \$5000. 207, 18 F 04

2361

Private library associations

- a Ala. Incorporated library associations to have 3 to 9 trustees. Amending C. §1302. p.41, 6 F 03; p.241, 18 S 03
- b Ky. Corporations incorporated to maintain free libraries may transfer same to city or town. Amending '92 ch.14 §4. 86, 22 Mr 04

2362

History. Records. Memorials

2363

State boards and officers

- a Md. Creating Public Records Commission: term 2 years; to investigate condition and completeness of public records; \$1000 annual appropriation; report to Legislature. 282, 7 Ap 04
- b Mass. 2500 [formerly 3000] copies of annual report of commissioner of public records. Amending R. L. ch.9 §7 line 104-5. 410, 3 Je 04

2364

Anniversary celebrations

- a N. J. Cities under general city government law may appropriate sum not exceeding \$30,000 for semicentennial celebration; bond issue. 17, 2 Mr 04
- b O. Providing for publication of proceedings of Ohio centennial at Chillicothe; distribution. p.653, 22 Ap 04

2365

Archives. Records. Colonial laws

- a Md. Provision for adding to state archives, Maryland Calendar of Wills, 1635-1777; distribution. 404, 7 Ap 04
- b Md. Provision for adding to state archives Riley's History of General Assembly of Maryland, 1637-1904; distribution. 622, 12 Ap 04
- c O. Amending '02 p.597 relating to publication of Biographical Annals of Ohio. p521, 19 Ap 04
- d R. I. \$2000 for purchase of 300 copies of volume 2, containing record of early deaths in Rhode Island compiled from newspapers; distribution by secretary of state. r.20, 12 Ap 04

2366

Historical societies

- a Ia. \$7500 [formerly \$1000] annual appropriation for permanent support of State Historical Society of Iowa. Amending C. §2822. 117, 9 Ap 04
- b Md. Relating to sale and exchange of publications of Maryland Historical Society. 41, 9 Mr 04

- c O. Providing for republication of annual volumes of Ohio State Archeological and Historical Society; distribution. p.648, 25 Ap 04

2367

Museums

- a Ia. \$200,000 for completion of state historical, memorial and art building; Executive Council to supervise work. 163, 2 Ap 04

2369

Scenic and historic places

See also 2370, Memorials

- a Ala. Placing monument at Fort Louis de la Mobile in custody of director of Department of Archives and History. p.74, 26 F 03
- b Md. Designating committee of 4 members to prepare plan for rebuilding Fort Frederick; report to Legislature of 1906; \$50. p.1273, '04
- c N. Y. Commissioners of Land Office on recommendation of American Scenic and Historic Preservation Society to acquire site of Fort Brewerton; \$2000. 653, 9 My 04
- d O. Associations incorporated to preserve battlefields, memorial sites, or places set apart for burial of soldiers may condemn property, improve same and prescribe regulations for use by public. p.97, 19 Ap 04

2370

Memorials. Monuments

- a O. Cemetery associations may sell lands for site of public monuments; exemption from mortgage or sale for debt. Adding §3575a, 3578a to R. S. p.66, 1 Ap 04

2372

Grave markers

- a N. Y. Amending '02 ch.206 §2 as to erection of new headstones on removal of soldiers remains. 506, 29 Ap 04
- b O. County commissioners on petition of township or municipalities to procure metal markers for veterans of Revolutionary War. Amending '00 p.228. p.252, 23 Ap 04

2373

Medals

- a Mass. Commission appointed in 1902 to prepare testimonials for Spanish war veterans *and heirs* of those dying in service. Amending '02 r.68. r.37, 11 Ap 04
- b N. J. Governor to have prepared New Jersey Civil War veteran medal to be presented to survivors of officers and men enlisting during Civil War. p.512, 28 Mr 04

2376

Memorials on battlefields. Soldiers monuments

- a Ia. Commission of veterans to be appointed by governor to erect monument commemorative of soldiers who suffered and died at Andersonville; annual report to governor; \$10,000. 166, 9 Ap 04
- b La. Amending '02 ch.76 §1 as to membership of Vicksburg commission. 161, 5 Jl 04



Memorials

2376-77

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

- c N. J. \$5000 for erection of monument to 9th regiment of New Jersey volunteer infantry buried in National cemetery at Newbern N. C. 56, 22 Mr 04
- d N. J. Governor to appoint 3 commissioners to erect tablets or monuments on revolutionary battle grounds at Elizabethtown, Connecticut Farms and Springfield; \$5000. 93, 28 Mr 04
- e N. Y. Providing for erection of monument to martyrs who perished in New York harbor in prison ships of Revolution: designating committee to supervise expenditure; \$25,000, on receipt of United States appropriation of \$175,000. 634, 9 My 04
- f N. Y. *American Scenic and Historic Preservation Society* [formerly Society for Preservation of Scenic and Historic Places and Objects] to continue improvement and maintenance of Stony Point peninsula; appropriation. 641, 9 My 04
- g N. Y. Commission on Battlefield Monuments of Gettysburg and Chattanooga appointed in 1895 to erect monument to 51st regiment of New York state volunteers at Antietam; \$1500. 662, 9 My 04
- h N. Y. Commission on Battlefield Monuments at Gettysburg and Chattanooga to erect monument at Manassas Plains to 5th regiment of volunteer infantry; \$1500. 673, 9 My 04
- i O. Commission of 3 members to be appointed by governor to erect soldiers monument at Fort Meigs; \$25,000. p.651, 25 Ap 04
- j O. County commissioners to care for burial grounds and monuments for veterans. p.434, 26 Ap 04
- k S. C. Designating commission of 3 members to direct repairing of monument on battlefield at Chickamauga; \$2500. 368, 22 F 04
- m S. C. \$500 appropriation to aid Daughters of American Revolution in erection of monument at capitol to partizan generals of the Revolution. 404, 8 Mr 04
- n Va. Circuit Court or county supervisors may permit erection of Confederate monument at county seat. 29, 19 F 04

2377

Memorials to individuals

- a Ala. Providing for erection of statue to Dr J. L. M. Curry in National Statuary Hall at Washington. p.254, 29 S 03
- b Ga. Joint legislative committee to be appointed to purchase portrait of Gen. J. B. Gordon to be placed in capitol; \$500. p.732, 13 Ag 04
- c Ky. Appointing commission to erect statue to Gov. William Goebel; \$20,000. 118, 25 Mr 04
- d Md. Board of Public Works to erect monument to Gov. T. G. Pratt in Annapolis, also portrait in executive chamber; \$1000. 127, 22 Mr 04



ADMINISTRATIVE LAW EDUCATION

- e **Mass.** Governor with consent of Council may appoint committee of 3 members to consider erection of memorials to John Adams, John Quincy Adams and John Hancock; report to Legislature of 1905. r.109, 8 Je 04
- f **N. J.** \$1000 for erection of monument at Hackensack to Enoch Poor, revolutionary soldier. 20, 7 Mr 04
- g **N. J.** \$400 for portrait of Gov. George C. Ludlow. p.504, 22 Mr 04
- h **N. J.** Designating commission to decide on purchase of portraits of New Jersey signers of Declaration of Independence; \$1250. p.505, 24 Mr 04
- i **N. J.** Designating committee to purchase portraits of governor and ex-governors; \$2000. p.506, 28 Mr 04
- j **N. J.** \$550 for portrait of Chief Justice Mercer Beasley. p.510, 28 Mr 04
- k **O.** Governor to appoint commission of 3 members to erect monument to Gen. P. H. Sheridan at Somerset; commission to act under supervision of governor; \$10,000. p.510, 27 Ap 04
- m **O.** Designating commission to erect monument to William H. Gibson; \$10,000 appropriation on subscription of \$8000 by citizens. p.645, 31 Mr 04
- n **R. I.** Designating committee of 3 members to erect monument to Maj. Gen. Frank Wheaton of Civil War; \$1300. r.26, 30 Mr 04
- p **Va.** Authorizing erection of statue to Gov. W. Smith at Richmond. 74, 7 Mr 04
- q **Va.** Designating commission to remove statue of Washington from capitol to place of safety; \$1000. 224, 15 Mr 04

2379

War records

- a **Va.** Providing for collection of muster rolls and military records of confederate officers and enlisted men; creating office of secretary of Virginia military records; transfer of records to United States War Department. 70, 7 Mr 04

2380

Scientific work. Art

2384

Geology. Topography

- a **Ky.** Provision for resuming geologic, topographic and agricultural survey of state: curator of State Geological Department to direct survey; appointment of assistants; cooperation with United States Topographic Survey; bulletins; annual report to governor; \$15,000 annual appropriation. 19, 5 Mr 04
- b **O.** Providing for publication of 2500 copies of report of Ohio Cooperative Topographic Survey; distribution. p.644, 25 Mr 04

Militia

2385-91

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1904

2385

Museums

- a Va. Commissioner of agriculture may collect natural history specimens and ship out of state to be mounted or for state exhibition. 445 (ex. sess.), 12 D 03

2386

Art

- a O. County commissioners may grant use of land in parks for sites of art buildings and for art purposes. p.293, 23 Ap 04

2388

Military regulations

See also 2362, History, records, memorials

2390

Militia. National guard

2391 General and miscellaneous

- a Ala. Amending '99 p.136 §2, 12, 15 relating to National Guard: staff of commander in chief; commissioning of officers; military offenses; officers' retired list; reorganizing State Military Board to constitute advisory board to commander in chief. Adding §30-32. p.265, 30 S 03
- b Ia. Generally amending C. t.11 ch.1 relating to militia. 77, 12 Ap 04
- c La. Revision of military code. 41p. 181, 6 Jl 04
- d Mass. Instruction in riding to be given to mounted militia; \$4000. r.47, 13 Ap 04
- e Mass. Rifle team of volunteer militia may compete for national trophies; \$3000. r.70, 6 My 04
- f N. Y. Amending military code '98 ch.212 §125 as to appraisal of lost or destroyed property issued to officers and enlisted men. 25, 1 Mr 04
- g N. Y. Amending military code '98 ch.212 §71, 75, 79 relating to National Guard and naval militia. 147, 28 Mr 04
- h N. Y. Number of §167 relating to interest on military funds, '98 ch.212, changed to §168. 310, 13 Ap 04
- i O. Men enlisted in state militia to receive 25c weekly pay for attendance at drill; exception. p.45, 23 Mr 04
- j O. Generally amending R. S. pt1 t.15 ch.1, 2, 4 relating to organization and government of Ohio National Guard. p.477, 26 Ap 04
- k O. Amending R. S. §3080 relative to yearly pay to certain military companies and §3085 as to rental allowed for armories. p.493, 26 Ap 04
- m Va. State militia to consist of able-bodied men, 18 to 45; exemptions; classification into active and reserve militia. Amending C. §300. 533 (ex. sess.), 31 D 03

2392

- a **Ky.** Repealing '93 ch.160 §46 as to provision requiring cities of 1st and 2d class to furnish armories for militia. 52, 21 Mr 04
- b **Mass.** State armory commissioners to acquire site and erect armory, on vote of city council to construct same. 371, 23 My 04
- c **N. Y.** County supervisors to provide headquarters for battalion not part of regiment; cost limited to \$500 a year. Amending Military Code '98 ch.212 §131. 321, 13 Ap 04
- d **N. Y.** Establishing State Armory at Rochester on approval of State Armory Commission; \$300,000 on donation of site. 642, 9 My 04
- e **N. Y.** Establishing State Armory at Flushing, and acquisition of site, on approval of State Armory Commission; \$70,000. 647, 9 My 04
- f **N. Y.** Establishing State Armory at Binghamton on approval of State Armory Commission; \$120,000 additional to proceeds of sale of old site and building. 667, 9 My 04

Naval militia

- a N. Y. City armory board or commission to furnish dock facilities for naval militia. Amending Military Code '98 ch.212 §142.
149, 28 Mr 04

Officers and boards

- a **Ala.** Amending '01 p.201 §4 adding ordnance officer and inspector of guard to regimental staff. p.156, 5 Mr 03
- b **Ga.** Senior colonel of state troops to have rank and title of brevet brigadier general. p.104, 11 Ag 04
- c **Ga.** Amending '02 p.70 §7 relating to staff of commander in chief: assistants of adjutant general to rank as *colonel* and *lieutenant colonel* [formerly lieutenant colonel and major] respectively. p.105, 11 Ag 04
- d **Mass.** Amending R. L. ch.16 §78 as to retirement of commissioned officers in militia, who served in army or navy in time of war [formerly War of Rebellion]. 231, 12 Ap 04
- e **Mass.** Adjutant general may allow \$35 annually to commissioned officers of militia for uniforms. 361, 20 My 04
- f **Mass.** 1000 copies of annual report of inspector general of rifle practice to be published. Adding line 22 to R. L. ch.9 §7. 410, 3 Je 04
- g **N. Y.** Amending Military Code '98 ch.212 §25 as to regimental staff: to include 1 regimental and 2 battalion electrician sergeants. 24, 1 Mr 04
- h **O.** Department of adjutant general to consist of adjutant and assistant adjutant general, and assistant quartermaster general:

Pensions and relief

2398-2409

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offices of quartermaster general, judge advocate general, surgeon and chief of engineers abolished; staff of governor reorganized. Amending R. S. §98, 99, 102 and repealing §100, 101. p.5, 11 Ja 04

- i O. Amending R. S. §3063-64 relating to courts martial and field officers courts. p.317, 25 Ap 04

2400 Adjutant general

- a Mass. Adjutant general may employ additional clerk at \$1000 salary. Amending R. L. ch.16 §14. 439, 8 Je 04
- b Miss. Salary of adjutant general, \$600 [formerly \$250]. Amending '02 ch.108. 134, 18 Mr 04

2404 Unofficial and independent companies

- a Mass. Amending R. L. ch.16 §147 regulating parades with imitation firearms. 226, 11 Ap 04

2406

Pensions and relief

2408

State pensions and aid

- a Mass. Revision of law relating to state and military aid and burial of indigent veterans. 9p. 381, 27 My 04
- b Mass. Civil War veterans, not conscripts or substitutes, to receive each \$125 bounty; commission appointed to pass on applications; provisos; provision for state loan of \$350,000. Amending '03 ch.471. 458, 9 Je 04
- c N. Y. Adjutant general may place on roll of invalid pensioners mothers of national guardsmen killed at state camp of instruction; pension limited to \$12 a month. 529, 29 Ap 04

2409

State pensions and aid to confederate veterans

- a Ala. Confederate pension rolls to be revised annually by county board of examiners of pensions; procedure. Amending '99 p.226 §9. p.233, 9 S 03; p.492, 9 O 03
- b Ala. \$50,000 annual appropriation for additional relief of confederate veterans and their widows. p.249, 23 S 03
- c Ga. State pension commissioner to pay over pensions of deceased pensioners to ordinaries of respective counties; provisos. p.106, 15 Ag 04
- d La. Submitting amendment to Const. 1898 art.303 subdiv.3 amended in 1900: total annual appropriation for pensions may vary from \$75,000 to \$150,000 [formerly from \$50,000 to \$75,000]. Adopted November 1904. 112, 4 Jl 04
- e Miss. Revision of confederate pension law '00 ch.73. 132, 22 Mr 04
- f S. C. Amending confederate pension law C. C. §1065-67 to include soldiers and sailors totally disabled from any cause from earning a living. 195, 11 F 04

ADMINISTRATIVE LAW MILITARY REGULATIONS

- g Tex. Submitting amendment to Const. 1875 art.3 §51: annual appropriation for pensions limited to \$500,000 [formerly \$250,000]; widows of confederate veterans married prior to March 1880 [formerly 1866] and not remarried to receive pension. *Adopted November 1904.* p.248, 1 Ap 03
- h Va. Provision for rerating pensioners classed as partially disabled. 508 (ex. sess), 31 D 03
- i Va. Amending '02 ch.453 §2 relative to awarding confederate pensions: veterans losing arm or leg in service, holding estate in own or wife's name of \$1000 excluded. 242, 15 Mr 04

2410 Local pensions and relief

- a Ia. Extending provisions of C. §430, 433 relating to veterans of Civil War to those of *any* war of United States; county relief fund; burial. 17, 13 Ap 04

2411 Burial expenses

- a Md. Provision for paying expenses of burial of union and confederate veterans. 663, 12 Ap 04
- b R. I. Amending G. L. ch.89 relative to burial of indigent veterans of Civil or other wars of United States. 1154, 7 Ap 04

2415 Soldiers homes

2416 General. Establishment. Organization

- a Ala. Establishing Home for Confederate Veterans at Mountain Creek, on conveyance of site; organization and management; \$25,000. p.260, 6 O 03
- b Ia. Amending C. §2606b relating to pension money of inmates of Iowa Soldiers Home. 103, 21 Mr 04
- c Ky. Amending '02 ch.27 §4, 6-8 relating to Kentucky Confederate Home: managing board; support; admission of wives of infirm veterans. 8, 26 F 04
- d N. J. \$11,000 for burial plot of beneficiaries of New Jersey Home for Disabled Soldiers. Supplementing '66 ch.419. 183, 29 Mr 04
- e O. Establishing Home of Ohio Soldiers, Sailors, Marines, their Wives, Mothers and Widows, and Army Nurses at Madison; organization and management; annual report to governor; appropriation. p.69, 6 Ap 04

2418 Widows and orphans

- a Ia. Amending C. §2691-92 relating to support of orphans in Iowa Soldiers' Orphans Home at Davenport: state and county aid. 106, 31 Mr 04
- b O. Increasing salaries of teachers and matrons of Ohio Soldiers and Sailors Orphans Home. Amending R. S. §695. p.99, 19 Ap 04

Municipalities

2420-38

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2420

Organizations

2423

G. A. R.

- a Mass. \$50,000 appropriation for state representation at national encampment of Grand Army of Republic in Boston, September 1904. r.51, 21 Ap 04

2430

Local government

2434

Municipalities

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs, hamlets and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary division of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely, the limits of population designated thereby are in these references substituted for the number of the class.

2433

State control of cities. Home rule

- a Or. Referring to Legislature of 1903 amendment to Const. 1857 art.11 §2: general laws to be passed for incorporation of cities; cities may frame and adopt charters without submission to Legislature. *Repassed in 1903 but no provision for submission.*

p.471, 15 F 01

2434

Special legislation

- a Fla. Submitting amendment to Const. 1885 art.3 §24, art.8 §8: Legislature to divide municipalities into 4 classes and provide uniform government of each class; [formerly one system for all cities]. *Rejected November 1904.* p.643, '03
- b Ill. Amending Const.1870 art.4 by adding §34: Legislature may pass special laws for reorganization of Chicago government, subject to approval by vote of people. *Adopted November 1904.* p.358, 22 Ap c3
- c Tenn. Submitting amendment to Const. 1870 art.11 §13: Legislature may enact local road, fence and stock laws. *Rejected November 1904.* 532, 2 Ap 03

2437

Organization. Powers generally

2438

General

- a Ky. Jurisdiction and elections in towns of 6th class which lie in 2 counties. 62, 21 Mr 04
- b Ky. Board of trustees of towns of 6th class may contract to supply water and light, also acquire and convey property for town purposes, water front excepted. Amending '93 ch.196 §26 subdiv.1. 95, 25 Mr 04

ADMINISTRATIVE LAW LOCAL GOVERNMENT

- c **Md.** Creating Burnt District Commission of Baltimore city: to consist of mayor and 4 citizens appointed by him; extensive powers and duties. 20p. 87, 11 Mr 04
- d **N. J.** Repealing '92 ch.66 which prescribed government of cities of 12,000 to 150,000. 165, 29 Mr 04
- e **N. J.** Miscellaneous amendments to '03 ch.168 providing for government of cities. Adding §87. 191, 29 Mr 04
- f **S. C.** All municipal charters to be perpetual, subject to right of Assembly to amend or repeal. 285, 1 Mr 04
- g **Va.** Generally amending C. ch.44 relating to cities and towns: ward representation in council; election, powers and duties of officials. 505 (ex. sess.), 31 D 03; 556 (ex. sess.), 2 Ja 04

2439

Annexation and exclusion of territory

- a **Kan.** Providing for vacation of unimproved plots and exclusion from city. 267, 9 Mr 97. *Unconstitutional*. Attempts to confer legislative power on petitioners. *City of Hutchinson v. Leimbach*, 74 P. 598 (1903).
- b **N. Y.** Amending village law '97 ch.414 §2, 3, 5 providing for incorporation as village of *part of territory of town of 10,000*, in case town has been incorporated in city; proviso; proceedings. 35, 1 Mr 04
- c **O.** Territory detached from municipal corporation may be *erected into new township*; procedure. Amending R. S. §1536 subdiv.59. p.143, 21 Ap 04
- d **Va.** Providing for contraction of corporate limits of cities and towns; regulations; provisos. 329 (ex. sess.), 28 N 03
- e **Va.** Providing for extension of corporate limits of cities and towns. 99, 10 Mr 04

2442

Classification of cities

- a **Ky.** Amending '98 ch.28 designating cities belonging to 6 classes. 116, 25 Mr 04
- b **Va.** "City" to be construed to mean *incorporated* community of 5000 or *incorporated community under 5000 with city charter at adoption of Constitution of 1902* [formerly town of 5000 with Corporation or Hustings Court]; "town" to mean *incorporated community under 5000 without city charter at adoption of Constitution* [formerly incorporated town under 5000]. Amending C. §5 subdiv.16. 339 (ex. sess.), 3 D 03
- c **Va.** Repealing '03 ch.317 (ex. sess.) which provided for taking census of town or city according to Const. 1902 §116. 370 (ex. sess.), 10 D 03

2443

Consolidation

- a **Miss.** Amending Ann. C. '92 §2914 relative to procedure in consolidation of municipalities. 154, 17 Mr 04

Municipalities

2444-62

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2444

Incorporation. Dissolution

- a** N. J. Village on majority vote at special election may separate itself from township and acquire local self-government; procedure. 2, 9 F 04
- b** N. J. Relating to villages given local self-government on separation from township. 153, 28 Mr 04

2446

Liability for injuries

See also 471, Torts, 2728, Roads

- a** N. Y. Amending '98 ch.182 §461 relating to actions against cities of 50,000 to 250,000 for damages to property or person. 504, 29 Ap 04

2447

Powers

- a** Miss. Amending Ann. C. '92 §2971 conferring additional powers on cities over 600 [formerly 1000] inhabitants. 155, 22 Mr 04
- b** O. Amending '02 p.20 §7 (ex. sess.) relating to powers of municipalities: construction of inclined movable or rolling roads; piping streets for hot water; regulating public halls and market places; licensing designated occupations. p.504, 27 Ap 04

2454

Wards

- a** Va. Repealing '03 ch.112 (ex. sess.) which provides for change of ward boundaries in cities. 575 (ex. sess.), 31 D 03

2455

Legislative body. Council

- a** O. Municipal council to regulate calling of special meetings. Amending '02 p.20 §119 (ex. sess.). p.136, 21 Ap 04
- b** Va. Repealing '03 ch.113 (ex. sess.) relating to representation of wards in city council, and reapportionment of representation. 371 (ex. sess.), 10 D 03

2460

Salaries

- a** N. Y. Amending '98 ch.182 §13 as to salaries of aldermen in cities of 50,000 to 250,000. 133, 28 Mr 04
- b** O. Village council men to receive compensation of \$2 a meeting, not exceeding \$48 a year [formerly to serve without pay]. Amending '02 p.20 §197 (ex. sess.). p.118, 20 Ap 04

2462

Vacancies

- a** N. J. Council in cities of 12,000 may fill vacancies in office of council men. Amending '97 ch.30 §9. 80, 28 Mr 04
- b** N. J. Vacancies of 3 or more in borough council to be filled by mayor with consent of remaining council men. Supplementing '97 ch.161. 160, 29 Mr 04
- c** N. Y. Special election to be held for village trustees when majority of places vacant on board. Amending village law '97 ch.414 §54. 100, 18 Mr 04

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2463 Ordinances

2465 Enactment

- a N. J. Fixing number of votes required to pass ordinances on decrease of membership of city council. 226, 30 Mr 04

2467 Publication and compilation

- a O. Codification of municipal ordinances in book form to be sufficient publication. Adding §124a to '02 p.20 (ex. sess.).

p.320, 25 Ap 04

- b O. Amending R. S. §1536 subdiv. 623 relating to mode of publication of city ordinances in case no newspaper is published.

p.447, 26 Ap 04

2468 Mayor

2469 Salary

- a Ala. Salary of mayor in cities of 35,000, \$2500. p.108, 26 F 03

2470 Term

- a N. J. Towns of 10,000 with board consisting of even number of aldermen to elect mayor for 2 years. 59, 25 Mr 04

2472 Municipal civil service

See also 2588, Financial officers

2473 General

- a N. J. Departments in cities of 150,000 to submit annual reports before Mar. 1; printing and distribution. 116, 28 Mr 04

2474 Appointments. Election

- a Ia. Amending C. §1272 as to filling of vacancies in elective city offices. 41, 27 F 04

- b La. Amending '98 ch.136 §38 relative to filling of vacancies in municipal offices. 196, 7 J1 04

- c Miss. Amending Ann. C. '92 §2978, 2992, '96 ch.168 as to election of clerk, tax collector and street commissioner in cities of 5000.

156, 22 Mr 04

- d N. J. Amending '94 ch.179 prescribing mode of filling vacancies in municipal offices. 8, 1 Mr 04

- e O. Mayor to fill vacancy in office of any department of municipality *till successor be elected and qualified*. Amending '02 p.20 §129, 228 (ex. sess.). p.78, 7 Ap 04

2477 Salaries. Fees

- a N. J. Salaries and fees of city officials to be fixed by ordinance; *police and fire department excepted*. Amending '99 ch.135 §23.

30, 16 Mr 04

Counties

2478-97

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2478

Tenure of office. Discipline

- a N. J. Term of city counsel, treasurer, surveyor or engineer, to be 3 years, in cases where present charter fixes term at 1 year. 31, 16 Mr 04
- b N. J. Cities of 12,000 to 150,000 may extend term of certain officials to 3 years, where not elected by popular vote. 63, 25 Mr 04
- c O. City officials or heads of departments to be impeached for misconduct in office, neglect of duty, immorality or habitual drunkenness; council may compel attendance of witnesses. Amending '02 p.20 §225 (ex. sess.). p.385, 25 Ap 04

2480

Special officers

2484 Clerk

- a O. Amending R. S. §1536 subdiv.653 relating to duty of city clerk where no city auditor. p.383, 25 Ap 04

2490

County and township government

See also specific functions of counties and towns—Roads, Charities, Drainage etc.

2491

County organization generally

2495

County seats

- a Ala. Counties on majority vote of electors at special election may change location of county seat; exceptions; procedure. p.117, 3 Mr 03
- b Tenn. Providing for removal of county seats. 103, 24 Mr 73.
Unconstitutional as to §6 providing for removal on vote equal to two thirds vote in next preceding gubernatorial election. Constitution requires concurrence of two thirds qualified voters of county. *Lindsay v. Allen*, 82 S. W. 171 (1904).

2497

County records

See also 396, Conveyance

- a Ia. Amending C. §495-96 relating to salaries of county recorder and deputy. 21, 21 Mr 04
- b Ia. Amending C. §494 relating to duties of county recorder as to correction of errors. 20, 30 Mr 04
- c N. J. Counties of 99,000 to elect register of deeds and mortgages, for 5 years; powers and duties defined. 18, 7 Mr 04
- d O. Amending R. S. §1158 as to fees of county recorder for transcribing defaced or injured records. p.58, 31 Mr 04
- e O. County recorder to indorse fee on instrument and folio. Adding §1162a to R. S. p.133, 21 Ap 04
- f Or. Fixing fees of recorder of conveyances or county clerk in counties under 50,000; fees to be paid into county treasury. p.26, 22 D 03

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2498

New counties. Consolidation. Division

- a **Ga.** Submitting amendment to Const. 1877 art.11 §1 ¶2: counties in state *limited to 145*; [formerly formation of new counties prohibited]. *Adopted October 1904.* p.47, 19 J1 04
- b **Id.** Submitting amendment to Const. 1889 art.18 §4: new counties may not be established except by vote of majority of electors in territory proposed to be included. *Not properly adopted by Legislature so not submitted to people.* p.455, 7 Mr 03
- c **Va.** Amending C. ch.34 as to procedure in forming new counties. 383 (ex. sess.), 10 D 03
- d **Va.** Repealing '98 ch.692 relating to elections held to decide on formation of new county. 404 (ex. sess.), 10 D 03

2500

Governing body. Commissioners. Supervisors.**Chosen freeholders**

2501

General

- a **Miss.** Amending '00 ch.120 §1-4 as to meetings and compensation of boards of supervisors in counties of 20,000 [formerly 25,000]. 136, 11 Mr 04
- b **Va.** Generally amending C. ch.36 relating to county board of supervisors. Repealing §839. 535 (ex. sess.), 31 D 03

2504

Election. District. Vacancies. Number. Term

- a **Id.** Submitting amendment to Const. 1889 art.18 §10: term of county commissioners to be 4 [formerly 2] years; biennial elections. *Rejected November 1904.* p.450, 28 F 03
- b **N. J.** Representation on board of chosen freeholders not to be lost by township on creation of borough within its limits; procedure. Supplementing G. S. '95 p.409. 13, 2 Mr 04
- c **N. J.** Borough formed from township and from city or town may vote for chosen freeholder of township. Supplementing '97 ch.161. 27, 7 Mr 04
- d **N. J.** Governing body in city or town to fill vacancy in office of chosen freeholder; regulations. Supplementing '95 ch.121. 155, 28 Mr 04

2505

Meetings

- a **La.** Sessions of police juries limited to 25 [formerly 15] days a year; 6 days to be given to inspection of roads and bridges. Amending '77 ch.57, '00 ch.40. 102, 4 J1 04
- b **Va.** *Chancery commissioner* [formerly commonwealth's attorney] designated by Circuit Court to cast deciding vote in case of tie vote of supervisors. Amending C. §832, '03 ch.535 (ex. sess.). 140, 14 Mr 04

- b N. J. Municipality may vacate land undesirable for public use and extinguish public rights therein; provisos; procedure; referendum. 205, 30 Mr 04

2554

Eminent domain

- a Ia. Regulating condemnation of real property for courthouses and jails; procedure; damages; appeals. 72, 13 Ap 04
- b N. J. Township, borough or village may acquire land for public use by purchase or condemnation. 156, 29 Mr 04
- c N. J. Municipality may condemn property located in municipality to be devoted to public use; provisos; procedure; appeal from assessment; referendum. 206, 30 Mr 04

2555

Buildings and grounds

- a Ia. Cities 2000 to 15,000 may levy 3 mill tax for public buildings and grounds; submission of question to popular vote. 28, 17 Mr 04
- b Ia. Cities of 60,000 may levy tax limited to 2 mills for public buildings and grounds, on submission of question to popular vote; bond issue. 27, 13 Ap 04
- c O. Board of supervision appointed to erect public, municipal or county buildings may not erect market houses and halls. Amending '02 p.20 §216 (ex. sess.). p.255, 23 Ap 04
- d O. Municipal councils may permit use of public buildings under their control. p.278, 23 Ap 04
- e O. Townships and municipalities may issue bonds to purchase ground and buildings to be used for public purposes. Amending R. S. §2835. p.291, 23 Ap 04
- f O. Amending '02 p.20 §154 (ex. sess.) relative to letting of contracts for erecting police and fire department buildings. p.388, 25 Ap 04
- g O. Village and township may enlarge, improve or erect public building jointly; procedure. p.483, 26 Ap 04

2557 **Courthouses**

- a Ala. Court of County Commissioners may locate courts and offices in courthouse. Amending C. §958 subdiv.1. p.401, 6 O 03
- b La. Extending term of New Orleans Courthouse Commission created in 1902: acquisition of site; specifications; necessary funds above state appropriation to be provided by city of New Orleans [formerly amount fixed at \$375,000]; city bond issue of \$750,000 authorized; board of liquidation of city debt to negotiate bonds and distribute funds. 96, 30 Je 04; 179, 7 Jl 04
- c O. Providing for appointment of commission to build county courthouse on vote of electors; regulations. p.111, 20 Ap 04

2559

Property and supplies generally

- a O. Provision for establishing municipal department of purchase, construction and repair under control of board of public service. Amending '02 p.20 §7 (ex. sess.). p.571, 6 My 04

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2560 Contracts

- a **Miss.** Amending Ann. C. '92 §340, 342 relative to awarding contracts by boards of supervisors for public work; regulations.

141, 8 F 04

2562 Gifts. Bequests. Trusts

- a **Mass.** City and town auditors to audit annually accounts of trustees of property held for public uses.

322, 9 My 04

2566**Taxes**

- a **La.** Amending '98 ch.131 §2, 5 relating to manner of holding election to submit question of special levy for local improvements; collection and distribution of tax.

145, 6 Jl 04

- b **N. J.** Extending to municipal assessments for street improvement provisions of '86 ch.112 relating to settlement of unpaid taxes and assessments.

218, 29 Mr 04

- c **O.** County commissioners may levy tax not exceeding 3 mills for certain purposes and 2 mill tax for building county buildings and lands for county infirmaries. Repealing sundry general and special acts.

p.308, 23 Ap 04

2568**Special assessments**

See also Special purposes of assessments, streets, sewers, drains etc.

2569 General

- a **N. Y.** Amending '98 ch.182, '99 ch.581 §300 relating to certification and assessment for improvements in cities of 50,000 to 250,000: *comptroller to certify amount of deficiency to assessors for apportionment and pro rata assessment.*

256, 8 Ap 04

- b **O.** Amending '02 p.20 §87 (ex. sess.) relating to special assessments: municipal council may pass ordinance for assessment of costs and issue bonds in anticipation of assessments.

p.51, 25 Mr 04

- c **O.** Municipal authorities may levy special assessments for laying water mains, grading, curbing and draining streets, and improving docks and piers. Amending '02 p.20 §50 (ex. sess.).

p.98, 19 Ap 04

- d **O.** Amending '02 p.20 §51-52, 54-55, 60, 70-74, 76 (ex. sess.) defining procedure for improvements by special assessments.

p.121, 21 Ap 04

- e **O.** Limiting levy for special assessments to 33½% of actual value *after improvement is made.* Amending '02 p.20 §53 (ex. sess.).

p.125, 21 Ap 04

- f **O.** Municipal council may make special assessments on lands not divided into lots by percentage of tax value or by front foot. Adding §50a to '02 p.20 (ex. sess.).

p.295, 23 Ap 04

- g **Va.** Repealing C. §1039-40, 1043 relating to local assessments for improvements in cities and towns.

556 (ex. sess.), 2 Ja 04

2575**Budget Accounts****2577****Appropriation. Tax levy. Expenditures**

- a **Ala.** Court of county commissioners may levy and collect special taxes, not exceeding 2½ mills, for construction of public buildings, bridges or roads. p.307, 30 S 03
- b **N. J.** Regulating receipt and disbursement of money by city boards and departments, also passage of ordinances. 128, 28 Mr 04
- c **O.** Money to be derived from authorized municipal bonds or notes sold and in process of delivery to be deemed in treasury and in appropriate fund. Adding §45a to '02 p.20 (ex. sess.). p.44, 21 Mr 04
- d **Va.** Amending C. §847 relative to annual statement of receipts and expenditures of county supervisors. 77, 7 Mr 04
- e **W. Va.** Annual county levy exceeding 6 mills to be submitted to popular vote. Amending C. ch.39 §29. 9, 12 Ag 04

2579**Examination and audit**

- a **N. J.** Cities of 150,000 may order examination and auditing of accounts of departments receiving annual municipal appropriations. 73, 28 Mr 04
- b **O.** Prescribing method for filing vouchers by county commissioners or infirmary directors before payment. p.25, 2 Mr 04

2580**Accounts to be kept. Form**

- a **O.** Amending R. S. §1023-24, 1044, 1084, 1107 relative to accounting of county treasurers and auditors. p.457, 26 Ap 04

2581**Reports**

- a **O.** Amending R. S. §917 as to publication of annual financial report of county commissioners, also examination of same and report by Court of Common Pleas. p.167, 22 Ap 04
- b **Va.** Amending C. §588 and repealing §593-601 which required tax statement to be made annually by notary to local commissioner of revenue. 336 (ex. sess.), 3 D 03

2583**State supervision. Uniform accounts**

- a **O.** Generally amending '02 p.511 creating Bureau of Inspection and Supervision of Public Offices, to establish uniform system of public accounting. p.271, 23 Ap 04

2585**Warrants**

- a **Va.** Warrants drawn by boards of supervisors, district school boards and Circuit Courts to be paid within 2 years from date of drawing. Repealing '98 ch.74. 420 (ex. sess.), 8 D 03

ADMINISTRATIVE LAW. LOCAL GOVERNMENT

2586

Claims. Judgments

- a Or. Assignee of claim against county or county officer for money alleged to have been illegally charged may not maintain action. p.24, 24 D 03

2588

Financial officers

- a Ala. Misdemeanor for county or municipal officers to divert money from purpose originally intended. p.401, 6 O 03
- b N. J. Comptroller, auditor of accounts or treasurer in city of 150,000 may designate clerk as deputy during absence. 136, 28 Mr 04
- c Va. Amending '00 ch.1140 §1 as to procedure in suspending county or city treasurer for failure to make settlement. 335 (ex. sess.), 3 D 03
- d Va. Amending C. §853, 855, 857-58, 861-63, 865 relating to county and city treasurers: bonds; accounts; annual statement; prosecution. 392 (ex. sess.), 10 D 03
- e Va. County or city treasurer to deliver to successor, books and papers *including uncollected tax tickets*. Amending C. §857. 590 (ex. sess.), 11 Ja 04
- f Va. Amending C. §613-14, '88 ch.283, '02 ch.666 relating to compensation of county and city treasurers for receiving and disbursing levies. 196, 15 Mr 04

2591 City receiver of taxes

- a N. J. City authorities where receiver of taxes is elected by people may fix term of receiver at 5 years. 212, 30 Mr 04

2592 Commissioner of revenue

- a Va. Repealing '03 ch.120, 121 (ex. sess.) which provide for election of commissioners of revenue in counties and cities respectively. 581 (ex. sess.), 6 Ja 04

2593 County auditor. Comptroller

- a Ia. Fixing salaries of county auditors according to population of counties. Repealing C. §479. 19, 6 Ap 04

2594 County treasurer

- a Ala. Fees of county treasurer limited to 2½% [formerly 5%] of amount paid out; proviso. Amending C. §1435. p.154, 5 Mr 03; p.406, 10 O 03
- b W. Va. Sheriff to serve as county treasurer; powers and duties. 8, 12 Ag 04

2597

Debts. Bonds

See also 2245, School finance; 2672, Sewerage

- a Ala. Cities and towns on majority vote of electors may issue bonds to construct public buildings, or works of internal improvement or to purchase public utilities; regulations.

p.59, 25 F 03

- b Ala. Providing for adjustment and refunding of bonded indebtedness of municipal corporations. p.71, 26 F 03
- c Ala. Governing body of county may order election to decide on bond issue for public improvements; procedure. p.90, 26 F 03
- d Ala. Cities or towns may secure payment of bonds for waterworks, light and power plants by executing mortgage on same; provision for executing mortgage prior to construction. p.402, 6 O 03
- e Ga. Regulating calling of election by county, municipality or political division for submitting question of incurring indebtedness according to Const. 1877 art.7 §7 ¶1. p.85, 13 Ag 04
- f Ia. Cities 2000 to 15,000 may incur indebtedness limited to 2½% for system of waterworks and sewers. Amending C. §1306b. 43, 6 Ap 04
- g Ia. Amending C. §403 relating to refunding of county bonds: proviso relating to indebtedness incurred for bridge purposes. 16, 7 Ap 04; 15, 12 Ap 04
- h Ky. Amending '92 ch.91 §1 authorizing counties to substitute new for old bonds. 83, 22 Mr 04
- i Ky. Amending '93 ch.241 §9 subdiv.2, 26 as to incurring of indebtedness by cities of 4th class to pay bonds. 111, 24 Mr 04
- j Miss. Board of aldermen may decide whether interest on city bonds be paid annually or semiannually. Amending Ann. C. '92 §3017. 157, 18 Mr 04
- k N. J. Cities may raise money by temporary loans or bond issue not exceeding 15% of assessed valuation, to retire indebtedness incurred for public improvements; regulations. 54, 22 Mr 04
- m N. J. Borough council may fix term and membership of sinking fund commission; proviso. Supplementing '97 ch.161. 81, 28 Mr 04
- n N. J. Bonds of issue purchased from borough sinking fund to be canceled; procedure. 149, 28 Mr 04
- p N. J. Cities, town, township or borough authorities may issue bonds to fund maturing bonds and floating indebtedness *however incurred*; tax levy of 2% [formerly 3%] on issue to create sinking fund. Amending '99 ch.110 §1-3. 164, 29 Mr 04
- q N. J. Amending '92 ch.46 §2 as to bonded indebtedness incurred in constructing buildings for city police department. 185, 29 Mr 04
- r N. Y. Comptroller in cities of 50,000 to 250,000 to regulate sale of city bonds. Amending '98 ch.182 §26. 98, 18 Mr 04
- s O. Township, school district or county authorities may issue new bonds to reduce rate of interest on consent of bondholders. Amending R. S. §2834a. p.514, 27 Ap 04
- t O. Generally amending '02 p.20 §26, 98, 104, 110, 112, 114, 216 (ex. sess.) relating to municipal debts and bonds: unexpended

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balances; issue of notes in anticipation of collection of assessments; limitations of application. Adding §43a, 95a, 2835b.

p.516, 27 Ap 04

- u Tex.** Submitting amendment to Const. 1875 art.3 §52: Legislature may authorize political subdivisions of state to issue bonds not over one fourth assessed valuation of real estate for construction of roads, irrigation works, and improvement of streams; proviso. *Adopted November 1904.* p.246, 1 Ap 03

- v Va.** Amending '03 ch.184 §9 (ex. sess.) relative to town elections on question of bond issue. 324 (ex. sess.), 25 N 03

- w Va.** Amending '03 ch.84 (ex. sess.) relating to bond issue by municipal corporations for redemption of outstanding bonds.

360 (ex. sess.), 10 D 03

- x Va.** City, town or county authorities may levy special tax to pay interest on bonds and provide sinking fund.

557 (ex. sess.), 2 Ja 04

2598 Limitation of indebtedness

- a N. Y.** Limiting indebtedness of towns including portion of Adirondack Park. Adding §215 to '90 ch.569. 436, 27 Ap 04

- b N. Y.** Amending village law '97 ch.414 §130 relative to limitation of indebtedness. 680, 9 My 04

- c S. C.** Referring to Legislature of 1905 amendment to Const. 1895 art.8 §7, amended in 1901 relating to municipal bonded indebtedness: city of Greenville may increase indebtedness to 15% for street improvement or sewerage or purchase of water or electric light plants. 385, 18 F 04

- d Tenn.** Submitting amendment to Const. 1870 art.11 §19: indebtedness of counties, cities and towns limited to 10% of value of taxable property. *Rejected November 1904.* 532, 2 Ap 03

2599 Temporary debt

- a Mass.** Counties, cities and towns may issue noninterest bearing notes at a discount. 153, 12 Mr 04

- b Miss.** Counties under 30,000 may borrow money not exceeding \$50,000 a year to defray expenses of county other than judiciary expenses. Amending '02 ch.95 §1. 133, 22 Mr 04

- c N. Y.** Amending county law '92 ch.686 art.2 by adding §39: counties may borrow money on temporary loans and issue obligations therefor. 20, 1 Mr 04

2600 Deposits and depositories

- a N. Y.** Repealing county law '92 ch.686 §143 as to depositories in counties with city of 20,000. 174, 29 Mr 04

- b O.** Amending '02 p.20 §135 (ex. sess.) as to duties of city treasurer relative to deposit of moneys. p.270, 23 Ap 04

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2601

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2602

Fire department

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2603

General organization

- a La. Villages which are parish sites may provide for protection of property against fire. 68, 1 J1 04
- b N. J. City adopting provisions of '02 ch.107 may create board of fire commissioners and provide for organization and management; bond issue. Supplementing '02 ch.107. 3, 24 F 04
- c N. Y. Amending village law '97 ch.414 §206 relating to council of fire department: *one half* [formerly two thirds] of members to make quorum. 645, 9 My 04

2605

Fire districts

- a N. Y. Prescribing method of assessing expenses of fire department on incorporation of village within fire district. Adding §37a to county law '92 ch.686. 277, 13 Ap 04

2606

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2607 Appropriation. Taxes. Bonds

- a Miss. Board of supervisors of counties of 40,000 containing municipality with fire department may aid latter for services rendered to amount of \$250 a year. 101, 19 Mr 04
- b O. Council of any incorporated village may levy additional tax of 5 mills for fire protection for years 1904-8. p.407, 25 Ap 04

2611

Independent and volunteer companies

- a N. J. Fire or hose companies incorporated under laws of state may change name on two thirds vote of board of directors; proviso. 197, 29 Mr 04

2612

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See also 1093, Fire marshal

- a Mass. Regulations as to height and weight of members of fire department to be enforced by certain local authorities. 194, 31 Mr 04
- b Mass. Cities and towns may establish hours of labor for members of fire department. 315, 9 My 04

2616 Pensions. Relief

- a Mass. Towns on two thirds vote at annual town meeting may provide for pensioning members of fire department, incapacitated through service, or members 60 years of age, after 25 years of continuous service; proviso. 327, 13 My 04
- b N. J. Repealing '85 ch.22 §4, '03 ch.67 relating to organization of firemen's relief associations. 181, 29 Mr 04

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- c O. Amending R. S. §1536 subdiv.596 relating to firemen's pension fund: membership of board of trustees; rate of tax levy.

p.241, 23 Ap 04

- d R. I. \$2500 annual appropriation to Rhode Island State League of Firemen; to constitute firemen's relief fund; creating Firemen's Relief Board; distribution of benefits.

1161, 13 Ap 04

- e S. C. Cities of 20,000 or more may have pension fund; 1% of premiums of foreign fire insurance companies, firemen's fines to go into fund.

279, 1 Mr 04

2619

State firemen's associations

- a R. I. \$2500 annual appropriation to Rhode Island State League of Firemen; annual report to general treasurer.

1161, 13 Ap 04

2620

Public works. Public improvements

See also 1054, Cemeteries

2627

Municipal utilities (general)

See also 1336, Street railways

2628

Franchises (general)

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- a N. Y. Amending '98 ch.182 §19 as to street franchises in cities of 50,000 to 250,000; council may extend same subject to approval of mayor and board of estimate and apportionment.
- b Va. Repealing '03 ch.138 (ex. sess.) which regulates granting of franchises by cities and towns.

454, 28 Ap 04

570 (ex. sess.), 24 D 03

2629

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See also 1350, Street railways; 1391, Ferries and fords; 2650, Water; 2721, Toll roads

- a O. Municipal corporation may contract for furnishing of water power to municipal waterworks, electric light or gas plants. Adding §143a to '02 p.20 (ex. sess.).

p.320, 25 Ap 04

2630

Rates. Charges

- a Miss. Incorporated municipalities may fix rates for water, electric light or gas supplied by private corporations; proviso.

182, 19 Mr 04

- b O. Limiting power to change prices [formerly minimum prices] of gas and electricity when fixed for certain term of years by municipal corporation and accepted by company. Amending R. S. §2479.

p.263, 23 Ap 04

2633

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2634

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- a Mass. Amending R. L. ch.121 §4 relative to assessment of salaries and expenses of Board of Gas and Electric Light Commissioners among gas and electric light companies.

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- a N. J. Amending '94 ch.353 §2, 4 as to expenditure by township commissioners for street lighting. 71, 28 Mr 04

2637

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2638

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- a O. Gas and electric light companies may manufacture and supply gas and electricity for light, heat and power purposes. Repealing R. S. §3550a relating to Cincinnati. p.258, 23 Ap 04
- b S. C. Electric lighting and power companies to have same rights and duties as telegraph and telephone companies. Amending C. C. §2211. 278, 25 F 04

2640 Eminent domain

- a O. Municipal and other corporations organized to build dams, construct canals, etc., or erect poles to transmit electricity may exercise right of eminent domain; proviso. Amending R. S. §3878. p.300, 23 Ap 04

2648

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2649

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- a Ky. Corporations supplying water to cities may condemn land. 70, 21 Mr 04

2650

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- a Minn. Cities under 10,000 having sold waterworks with right of purchase reserved may issue bonds to repurchase; proviso; regulations. 50, 11 Mr 03. *Unconstitutional*. Basis of classification arbitrary. Special legislation. *Thomas v. City of St Cloud*, 97 N. W. 125 (1903).
- b N. J. Cities owning or operating system of waterworks may extend same by bond issue; regulations. 53, 22 Mr 04
- c N. J. Cities with artesian water supply may extend water supply and waterworks plant; bond issue limited to \$200,000; regulations. 77, 28 Mr 04
- d N. J. City authorities may contract to enlarge or construct additional water mains; assessment of benefits; bond issue; regulations. 146, 28 Mr 04
- e N. J. Governing authority of cities under 12,000 owning or operating water supply plant may contract for constructing additional water pipes or mains; bond issue limited to \$30,000. 201, 30 Mr 04
- f Pa. Borough may provide water supply by building and operating works or by contract with private corporations. 113, 3 My 01. *Unconstitutional* in so far as it impairs existing contracts. *Potter County Water Co. v. Borough of Austin*, 55 A. 991 (1903).

2651 Storage reservoirs

- a** N. J. Amending '92 ch.27 §4, 5 as to bonds issued by cities for construction of water supply reservoirs. 39, 16 Mr 04

2654 Water commissioners

- a** Mass. 6000 [formerly 4500] copies of annual report of metropolitan water and sewerage board. Amending R. L. ch.9 §7 line 118. 410, 3 Je 04

2655 Water companies

- a** Ala. Amending C. §1256 by adding ¶9 defining rights of water supply companies; condemnation proceedings. p.75, 3 Mr 03

2657 Regulating rates

- a** O. City or village authorities may regulate rates of companies supplying water for public or private use or fire protection. Amending R. S. §1536 subdiv.567. p.114, 20 Ap 04

2660 Sewerage

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- a** Ia. Repealing C. §738-39 relating to construction of sewers in towns and smaller cities. 26, 31 Mr 04
- b** Ia. Extending to incorporated towns provisions of C. t.5 ch.7 relating to construction of sewers. 31, 31 Mr 04
- c** La. Submitting amendment to Const. 1898 art.281: municipal councils may create 1 or more sewerage districts within corporate limits; sewerage districts on majority vote of property taxpayers may levy special tax not exceeding 5 mills on \$1 of assessed valuation of property of district; exceptions; bond issue. *Adopted November 1904.* 186, 7 Jl 04
- d** Mass. Governor with consent of Council may appoint committee of 3 members to investigate local sewerage systems within metropolitan sewerage district and consider advisability of purchase and maintenance by metropolitan water and sewerage board; report to Legislature of 1905. r.98, 3 Je 04
- e** N. J. City owning system of sewerage may extend same; aggregate amount of long term and short term sewer bonds not to exceed 3% and 5% respectively of assessed valuation; procedure. 55, 22 Mr 04
- f** N. J. Cities under 12,000 may maintain sewerage system by general taxation including in annual city tax a special sewer tax to be first lien on property against which it is assessed. Supplementing '97 ch.30. 85, 28 Mr 04

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- a Ia.** Cities and towns may acquire property for sewer outlets, garbage and sewage disposal grounds. Amending C. §881.

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2667

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- a N. J.** Municipality entering on joint contract to construct and maintain outlet or trunk sewers, may issue bonds to continue contract; procedure. Supplementing '99 ch.36. 152, 28 Mr 04
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2671

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- a N. J.** Regulating procedure when action taken by city relative to sewer assessment has been defective. Supplementing '82 ch.50.

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2672

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- a N. J.** Cities may issue bonds for sewers and drains not exceeding \$150,000 [formerly \$75,000] a year. Amending '03 ch.36 §2.

2 (ex. sess.), 19 Ap 04

2674

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- a Mass.** 6000 [formerly 4500] copies of annual report of metropolitan water and sewerage board. Amending R. L. ch.9 §7 line 118.

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- a N. J.** Cities bordering on ocean may establish band pavilions and bath houses connected with places of public resort and erect and maintain recreation piers; disposition of receipts; public grounds commission to have supervision. Amending '00 ch.99 §3, 4.

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- a Ia.** Cities under 12,500 and incorporated towns may issue bonds for park improvement; regulations. Amending C. §860.

35, 12 Ap 04

- b Ia.** Amending C. §853 relating to levy of special park tax by cities of 25,000. 34, 13 Ap 04

- c N. J.** Towns incorporated under general town law may maintain parks and places of amusement; board of park commissioners established; bond issue. Supplementing '95 ch.113. 37, 16 Mr 04

- d N. J.** Cities of 12,000 to 150,000 may improve public parks; loan limited to \$10,000 a year. 150, 28 Mr 04

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- e O. Public parks containing prehistoric earthworks or historic building to be exempt from taxation; regulations. Amending R. S. §2732 subdiv.1-2. p.49, 25 Mr 04
- f O. Township on petition of electors equal to one tenth of votes cast at last general election may establish public park on submission of question to popular vote; procedure. p.411, 25 Ap 04
- 2680 **Park commissioners**
 - a Ia. Park commissioners in cities under 40,000 to serve without pay. Amending C. §861. 36, 6 Ap 04
- 2681 **Boulevards and driveways**
 - a O. Municipal corporations may condemn property to establish boulevards, park ways etc. around public buildings. Amending '02 p.20 §10 (ex. sess.). p.333, 25 Ap 04
- 2696 **Public entertainment**
 - a Mass. Towns at annual meeting may appropriate money to \$500 for public band concerts. 152, 12 Mr 04
- 2698 **Public baths and gymnasium**
 - a N. J. Borough maintaining bathing establishment for profit may maintain lifesaving guard. Supplementing '97 ch.161. 105, 28 Mr 04

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- a Ala. Providing for construction and maintenance of county roads and bridges: governing county board to have supervision; condemnation proceedings; road districts; employment of convicts; tax levy limited to 2½ mills. p.412, 10 O 03
- b Md. Providing new road system for Baltimore county: county commissioners sitting as highway commissioners to have supervision; extensive powers. Amending C. art.3 §188-211. 465, 12 Ap 04
- c N. Y. Amending '98 ch.115 §12 relating to care of roads before assumed by county. 426, 27 Ap 04
- d N. Y. Secretary of state to designate person to compile revised edition of highway manual; compensation; distribution. 536, 3 My 04
- e O. Provision for holding state convention to consider road improvement. p.630, 2 F 04
- f Va. General road law: establishment, construction and maintenance of county roads. 13p. 106, 12 Mr 04

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- a Ia. Iowa State College of Agriculture and Mechanic Arts at Ames constituted Highway Commission for Iowa; to devise plans

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- b **Md.** Providing for permanent improvement of highways: extending powers of commission which was appointed by '96 ch.51 to direct State Economic and Geologic Survey; to have supervision of road improvement; construction, repair and maintenance; procedure; state aid to 50% of county levy; \$200,000 annual appropriation. Supplementing '98 ch.454. 225, 2 Ap 04
- c **Mass.** Amending R. L. ch.47 §6 as to filing of certificates preliminary to locating state highway. 108, 24 F 04
- d **Mass.** Cities and towns may pay part of expense of constructing state highway within limits; regulations. 125, 27 F 04
- e **Mass.** Legislature to appropriate annually from state treasury amount necessary for maintenance of state highways. Amending '03 ch.280 §2. 244, 20 Ap 04
- f **N. Y.** Misdemeanor to enter highway closed to public travel by state engineer. Adding §11a to '98 ch.115. 298, 13 Ap 04
- g **N. Y.** County to appropriate half of cost of improvement before highway placed on list for construction. Amending '98 ch.115 §11. 299, 13 Ap 04
- h **N. Y.** Amending highway law '90 ch.568 §55 and adding §55a-d relative to maintenance of highways and supervision by state engineer, and county engineer or county superintendent of highways; defining duties of county engineer. Repealing '98 ch.115 §8 so far as relating to county engineer. 608, 6 My 04; 609, 6 My 04
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- j **O.** Providing for system of state, county and township cooperation in improvement of public highways; creating office of state highway commissioner; state aid to 25% of cost; procedure. p.523, 18 Ap 04
- k **O.** State highway commissioner to carry into effect law providing for system of state highways; county bond issue; creation of state, and county road improvement fund. p.511, 27 Ap 04
- m **R. I.** \$100,000 for construction and maintenance of state highways; State Board of Public Roads to direct expenditure. r.13, 7 Ap 04

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- b O. Township trustees may create separate road districts for improvement of township roads; submission of question to popular vote; regulations. p.575, 6 My 04

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- a Ky. Counties may issue bonds for construction of turnpikes and gravel roads; regulations. 77, 22 Mr 04
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- d N. J. Boards of chosen freeholders may maintain roads on county property. 36, 16 Mr 04
- e N. J. Amending '03 ch.97 §10 relative to county bonds for road improvement: interest to be payable annually or *semiannually*. 90, 28 Mr 04
- f N. J. Roads improved by townships may be transferred to county on petition; procedure. 114, 28 Mr 04
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NEW YORK STATE LIBRARY AND HOME EDUCATION

Scope of library. The State Library includes general, sociology, law, medical, education and history libraries and the Library School. Besides the usual work of a great reference library, its field covers compilation of catalogues, bibliographies, indexes, reference lists and other aids for readers not having direct access to the library, also loans of books to students and promotion of general library interests of the State.

Use. As the library was founded for the benefit of the whole State, books not readily accessible elsewhere and not so much used at Albany as to make their brief absence from the shelves serious are lent under the rules guarding against loss or undue detention to:

- 1 Any institution in the University
- 2 Any registered public or free library.
- 3 Responsible heads of state institutions, departments or courts, or to those connected with the State government and needing books for use in their official work.
- 4 Registered study clubs, extension centers, summer schools or other recognized educational agencies.
- 5 Any resident of the State making studies or investigations in which he needs the assistance of the State Library, provided that his responsibility is known to the library or that he gives satisfactory references or makes a deposit covering the value of the books.

The library recognizes this lending of books to distant points as a very important part of its work and aims to help the largest number possible of those needing its assistance, not only by lending but also by recommending the best books and furnishing, through its Home Education Department, devoted specially to such work, printed or manuscript aids to those pursuing studies or courses of reading without a teacher.

Home education. This includes promotion, sympathetic assistance and supervision of summer, vacation, evening and correspondence schools and other forms of extension teaching, lectures, university extension courses, study clubs, lyceums, debating societies, literary clubs and other agencies for promoting and extending more widely opportunities and facilities for education to those unable to attend the usual teaching institutions.

The most potent factors in home education are: (1) putting the best reading within reach of all citizens by traveling libraries and annotated book lists; (2) aid given in organizing new and increasing efficiency of established local libraries by the public libraries division, through which the State yearly expends about \$60,000 for the benefit of free libraries. This division is devoted to promoting general library interests of the State and in all practicable ways assisting communities willing to do their part in providing the best reading for their citizens.

For further information address

MELVIL DEWEY, Director, Albany N. Y.

New York State Library Legislation bulletins

Annual summary, 1-7, 9-11, 13, 15, 18, 21, 24 Comparative Summary and Index of State Legislation, 1890-date. 50c each, except \$1 for no. 11 (1899)

Annual review 16, 19, 22 Review of Legislation, 1901-date. 25c each.

Contains contributions from leading specialists in all parts of the country reviewing governors' recommendations and laws enacted on each important subject.

Messages 17, 20, 23 Digest of Governors Messages, 1902-date. 25c each.

Contains a topical digest of messages of governors of all states and of related topics in the president's message.

Monographs 8, 12, 14. 8 State Finance Statistics, 1890 and 1895. 57p. Mar. 1897. 10c.

This bulletin was prepared by E. Dana Durand Ph.D. when legislative librarian. It is a comparative summary of the receipts and expenditures of all the states, including also statistics relating to endowment funds and state debts.

—12 Trend of Legislation in the United States. 40p. May 1900. 5c. By Robert H. Whitten.

A sketch of the general trend of recent legislative regulation from a sociologic standpoint. Laws relating to the organization of the government itself are not considered, merely a broad, comprehensive view being given of the general tendency of attempts at social regulation and control.

—14 Taxation of Corporations in New York, Massachusetts, Pennsylvania and New Jersey. 198p. May 1901. 25c. By Robert H. Whitten.

Contains (1) a brief review of the corporation tax system of the four states; (2) a summary by states showing the various state and local taxes imposed on each class of corporations; (3) a compilation of corporation tax statutes.

Annual subscription price \$1 payable in advance. Subscribers will receive annually either the bound Yearbook of Legislation or the following bulletins as issued which are contained in the yearbook:

1 Comparative Summary and Index of Legislation [average 300p.]

2 Review of Legislation [average 250p.]

3 Digest of Governors Messages [average 175p.]

4 Any other bulletins issued of less than 500 pages.

Volumes 1-3 (each containing 5 annual bulletins) \$2 each unbound or \$2.25 in cloth. Subsequent volumes \$1 each.

Volume 4 contains bulletins 16-19. Beginning with Digest of Governors Messages 1903 the three or more bulletins of each year are bound to form the Yearbook of Legislation.

Legislation and administration

Of the 358,000 volumes in the library, about 102,000 are in law and sociology including statistics, economics, political science, public documents and administration. The city, state and United States documents afford unusual advantages for many lines of research.

Card indexes. A card index of state legislation, beginning with 1890, facilitates reference to laws on any subject in any state within the past 15 years. A very useful classed list of books and articles treating comparatively the laws and administrative systems of cities, states and foreign countries is also maintained.

References from either of these indexes will be mailed on application subject to a fee covering cost of copying whenever more than a page of copying is required.

New York State Library

MELVIL DEWEY Director

Bulletin 97

LEGISLATION 25

REVIEW OF LEGISLATION 1904

Oct. 1, 1903—Oct. 1, 1904]

[EDITED BY

Robert H. Whitten *Sociology Librarian*

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State Library Albany, Mar. 2, 1905

Hon. A. S. Draper

Commissioner of Education

DEAR SIR: The annual Review of Legislation, the 4th of its series, is transmitted herewith and recommended for publication.

As a contribution to better organization of material for comparative study of state government and laws, the State Library issues three annual bulletins: Digest of Governors Messages, Summary and Index of Legislation, and Review of Legislation.

The Digest of Governors Messages is a topical digest covering all the states and including related topics in the president's message. The Summary and Index of Legislation is a minutely classified summary or index of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional. The accompanying Review of Legislation contains contributions from specialists in all parts of the country reviewing governors' recommendations and laws enacted on each important subject.

These three closely related annuals are bound together to form the Yearbook of Legislation.

Very truly

MELVIL DEWEY

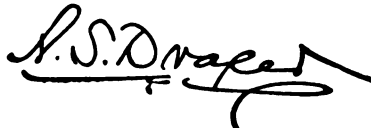
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State of New York

Education Department

COMMISSIONER'S ROOM

Approved for publication Mar 3, 1905

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a stylized flourish at the end.

Commissioner of Education

ABBREVIATIONS

States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

Compilations of statutes

Ann. L.	Annotated laws	Crim. S.	Criminal statutes
Ann. S.	Annotated statutes	G. L.	General laws
C.	Code	G. S.	General statutes
C. C.	Civil code	P. C.	Political code
C. C. P.	Code of civil procedure	P. S.	Public statutes
C. L.	Compiled laws	Pen. C.	Penal code
C. P.	Code of procedure	R. C.	Revised code
C. S.	Compiled statutes	R. L.	Revised laws
Crim. C.	Criminal code	R. S.	Revised statutes
Crim. P.	Code of crim. procedure	S.	Statutes

Acts Resolves

art.	article	pt	part
c. r.	concurrent resolution	r.	resolve
ch.	chapter	subdiv.	subdivision
j. r.	joint resolution	t.	title

Law reports

A.	Atlantic Reporter	S. E.	Southeastern Reporter
N. E.	Northeastern Reporter	S. W.	Southwestern Reporter
N. W.	Northwestern Reporter	So.	Southern Reporter
P.	Pacific Reporter		

New York State Library

MELVIL DEWEY Director

Bulletin 97 Legislation 25

REVIEW OF LEGISLATION 1904

Oct. 1, 1903—Sep. 30, 1904

EDITED BY

Robert H. Whitten *Sociology Librarian*

NOTES

PROPOSED WORK IN COMPARATIVE LEGISLATION

The following is a report made by Robert H. Whitten, chairman of the committee on comparative legislation of the American Political Science Association at its Chicago meeting in December 1904:

It is important at the start to delimit as clearly as possible the scope of the work of the committee on comparative legislation. This committee it is expected will become a permanent section of the American Political Science Association. Its scope must therefore be clearly defined in relation to other committees or sections—administration, jurisprudence, politics etc.

In the first place it seems clear that we should promote the comprehensive organization of the material of comparative legislation by means of compilations, digests, indexes and comparative studies of every kind. This is a broad and most important field of usefulness and its cultivation is doubtless our nearest duty.

Shall we in addition attempt to discuss and study specific problems in legislation—ballot laws, factory regulation, municipal government, property and contract rights etc.? I think it is at once apparent that to do this is impractical—the field is too broad and we would be but duplicating work of other committees of this association, of the Economic Association and other organizations. What we can do however is to discuss and promote the study of principles and methods of legislation. Legislation can be profitably

studied in the same way that administration has been. There are principles and methods that are universally applicable to problems of legislation.

Specially is there need for the scientific study of methods of accomplishing the legislative purpose. Direct commands and prohibitions even though accompanied by the most drastic penalties are for most purposes inadequate. Many devices and expedients have been evolved by which the legislative intent can be more easily and effectively carried out. It is for example not sufficient in order to prevent bribery in elections, to make it a crime punishable by fine and imprisonment. If prevented at all it must be by some indirect method, such as an absolutely secret ballot, disfranchisement of stay at homes or audit and publicity of campaign funds. The lawmaker should have at his command all the expedients which the experience of states and nations have shown to be useful and select the one that is best suited to the purpose at hand. He may find a device in liquor legislation that can be adapted to his purposes in tenement house regulation, or in banking legislation that may be used to correct some monopoly evil.

Much as men, engaged in perfecting legislation on a particular subject, can gain from personal contact and discussion with men of other states engaged in the same problems, I think that they can in many cases gain as much or more from similar contact with the men engaged in solving other problems of legislation. This I take it should be one of the main purposes of our comparative legislation conferences—the bringing together of the men most intimately connected with the perfecting of legislation in different lines and the discussion of principles of lawmaking. We should for example discuss at these conferences publicity as a means of legislative regulation, its varied forms, its advantages and limitations, and in like manner uniformity, registration, examination, licensing, inspection, education and many like devices for accomplishing the legislative intent. This is a fertile and as yet practically unexplored field.

Again it will be our function to study and discuss the effect of precedent, imitation invention and environment, on the enactment of statutes. Though till we have much more minute and thorough comparative and historical studies little can be accomplished in this direction, its development is of the greatest importance.

The great interest in and demand for more uniform legislation in almost all subjects of administrative and private law makes desirable the careful consideration of the general principles involved.

Our conferences should afford an opportunity for the discussion of the advantages and limitations of uniformity, the kind of legislation in which it is highly desirable and the kinds in which it is undesirable or impracticable.

In legislative organization, methods and procedure, we clearly have a profitable field for discussion and study. Questions of representation, sessions, committees, bill drafting, expert assistance and special legislation afford interesting subjects for research and conference.

Legislation as a subject for comparative and methodical study is a most promising field and one that ought to appeal strongly to Americans. With 52 legislatures, state, territorial and national in the United States we find the opportunity and need for just this work. A fuller knowledge of comparative conditions, of methods of law evasion, of methods of effectively accomplishing the legislative intent, and of improved methods of legislative procedure, is bound to have far-reaching results.

Turning again to the organization of the material of comparative legislation, what should be our program? We should outline the necessary work of indexing, digesting and compiling, and actively promote its undertaking by government departments, institutions or individuals. Several departments of the national government are already doing extensive work in the legislation in their particular fields. This is notably true of the Department of Agriculture, the Bureau of Education, the Bureau of Labor and the Bureau of Corporations.

1 Cooperation of government departments. For each important subject of legislation, as labor, charities and corrections, education, taxation, transportation etc. there should be some institution or government department that would undertake to act as a center for comparative and historical investigation within the field, and would prepare and keep up to date, a compilation or digest of the laws of the subject. In this way almost the entire field of comparative state legislation might be covered.

2 Annual or biennial reviews of the legislation of each state. A bulletin should be issued soon after the close of each session in each state giving a critical review of enactments and also of important bills that fail to become laws, showing the reasons for acts, the evils proposed to be cured thereby and the various interests urging and opposing them. These bulletins will give to students the information necessary to an understanding of the real meaning of acts and will be specially helpful to contributors to the annual Review of

Legislation published by the N. Y. State Library, rendering possible a much more complete and scientific comparative review than is at present practicable.

3 Advance sheets of session laws. With increasing interest in comparative state legislation, the existing delay in publishing session laws becomes more and more troublesome. People in all parts of the country are interested in securing promptly copies of important laws passed by the various Legislatures. In Connecticut, New York and Pennsylvania, each act is printed in separate form as soon as signed and many European states follow this plan. The Pennsylvania act [or ch.289] provides that the secretary of state shall have each act printed within 10 days of its approval by the governor. A movement to secure advance publication by all the states has received approval of the National Association of State Librarians and of the conference of Commissioners for Promoting Uniform Legislation. We should I think give this movement our hearty support.

4 Compilation and digest of state Constitutions. Much as the organic laws must be consulted, there is at present no up to date compilation or digest of the various state Constitutions. Since 1890 nine new Constitutions and 252 amendments to existing Constitutions have been adopted. The need for a reliable compilation and digest is therefore very great. Possibly one of the national departments could be induced to supply this want.

5 Bibliography of legislation. Such a bibliography should include selected annotated lists of the most important material on each subject of legislation. The list for each subject should include references to existing comparative studies, to the best description of conditions in each state, to the best printed bibliographies of the subject and to a few of the best theoretical and general treatises. The preparation of such lists must almost necessarily be a cooperative undertaking and it is believed that this committee could most successfully organize the work.

6 Index of state legislation 1776-date. A complete index of state and territorial legislation is an almost indispensable aid to research in American economic, political, social or legal history. Thorough work in any of these lines at present requires an examination of all the statutes of all the states. Take, for example, the historical investigation of the questions of election. To trace the development of laws relating to suffrage, nominations, corrupt practices, ballots, secrecy etc., requires a detailed examination of the statutes of each state. With a comprehensive index giving exact references

in chronologic order to all laws and amendments in each state on these subjects, the work of the investigator would be decreased immensely. In fact there is scarcely a subject in American political, economic, social or legal history that does not involve an examination of state statutes. Nothing would do more to promote historical research in all branches of social science than the proposed index.

In compiling this index opportunity would be afforded also for a careful statistical study of the increase in the volume and number of statutes enacted; of local and private acts, their number and character; of the effect on the volume of legislation of restricting the duration and number of legislative sessions and of prohibiting special legislation.

The student of comparative legislation would find in such an index an excellent means of studying the influence of precedent, imitation, invention and environment on the enactment of statutes. Studies that show merely a cross-section of existing law in the various states are of course not nearly so valuable a contribution to comparative legislation as those presenting the solid section—historical and comparative.

This project is one involving great labor and expense but it is also one of such great and fundamental importance that its undertaking can be quite confidently predicted.

7 **Index of foreign legislation.** The librarian of Congress has included in recent estimates a recommendation for an appropriation to carry on this work at the National Library. Such an index will open for comparative study a great and to American students almost unexplored field. At present it is almost impossible to make in this country a comparative study of the laws of foreign countries. We should support most heartily this project for an index of foreign legislation.

New York State Education Department
New York State Library

REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25a

**BIBLIOGRAPHIC NOTES ON SESSION LAWS, REVISIONS,
AND CONSTITUTIONAL CONVENTION PUBLICATIONS**

Oct. 1, 1903 to Dec. 31, 1904

T. L. COLE, STATUTE LAW BOOK CO. WASHINGTON D.C.

Session laws

Sessions were held during the period covered (1 year and 3 months) beginning in the months stated (all in 1904 except as stated), and printed in the number of volumes stated, in the table following:

STATES AND TERRITORIES	REGULAR ANNUAL	REGULAR BIENNIAL	EXTRA OR SPECIAL	NO. OF VOLUMES
Georgia.....	June	.....	.....	1
Hawaii.....	.....	.....	April	1
Iowa.....	.....	January	.....	1
Kentucky.....	.....	January	.....	1
Louisiana.....	.....	May	Dec. 1903	2
Maryland.....	.....	January	.....	1
Massachusetts.....	January	.....	.....	1
Mississippi.....	.....	January	.....	1
Montana.....	.....	.....	Dec. 1903	1
New Jersey.....	.....	.....	Oct. 1903 ^a	1
.....	January	.....	April	1
New York.....	January	.....	.....	2
Ohio.....	.....	January	.....	1
Oregon.....	.....	.....	Dec. 1903	1
Porto Rico.....	January	.....	May	2
Rhode Island.....	January	.....	November	2
South Carolina.....	January	.....	.....	1
Vermont.....	.....	October	.....	1
Virginia.....	.....	January	1902-4 ^b	2
West Virginia.....	.....	.....	July	1
19 states.....	7	8	10	25

^a This session is also issued as a separate pamphlet.

^b The volume 1902-4 includes the extra session of July 1902 which was also included among those of 1902-3, in *Review of Legislation 1903*, p.21.

Revisions, compilations etc.

- Arkansas. Digest of Statutes (to 1903 inclusive) by William F. Kirby. 1904. iv. Official
- Colorado. Supplement to Mills Annotated Statutes 1891 to 1903 inclusive. Rev. v.3. Ed. 2. 1904. iv. Unofficial
- Florida. Revised Statutes (to 1903 inclusive) by C. F. Akers. iv. Unofficial
- Hawaii. Revised Laws (to 1904 inclusive). iv. Official
- Louisiana. Revised Laws (ed. 2 to 1902 inclusive) by Solomon Wolff. iv. Unofficial
- Maine. Revised Statutes (5th revision) passed Sep. 1, 1903 and taking effect Jan. 1, 1904. 1904. iv. Official
- Maryland. Public General Laws (to 1904 inclusive); codified by J: P. Poe. 1904. 2v. Authorized
- New York. Unofficial:
- Supplement to Cumming & Gilbert's General Laws and other General Statutes (1902-4 inclusive). v. 4.
 - Code of Civil Procedure; 23 chapters and amendments, 1904
 - Code of Civil Procedure by A. J. Parker jr. Ed. 4. 1904
 - Code of Civil Procedure, Criminal Procedure, Penal Code and Acts relating to Practice and General Laws; amendments of 1904; Mayer's plan; by A. J. Danaher. 1904
 - Code of Civil Procedure by J. C. Thompson. Ed. 29. 1904
 - Code of Civil Procedure of the State, as amended to the close of the legislative session of 1904 by G. Chase. 1904
 - Code of Criminal Procedure of the State. Rev. ed. 23. 1904
 - Code of Criminal Procedure of the State by Lewis R. Parker. 1904
 - Code of Criminal Procedure and Penal Code of the State by J. T. Cook. 1904
 - Penal Code and Code of Criminal Procedure by C. D. Rust. Ed. 18. 1904
 - Penal Code. Rev. ed. 23. 1904
 - Penal Code of State by Lewis R. Parker. 1904
- Tennessee. Supplement to Shannon's Code (to 1903 inclusive). iv. Unofficial
- Virginia. Code, as amended to adjournment of the General Assembly, 1904; ed. by J: G. Pollard. 1904. 2v. Authorized

Constitutional conventions

No constitutional conventions have been held during the period covered—Oct. 1, 1903 to Dec. 31, 1904.

The question of holding a constitutional convention was rejected¹ by the people of Michigan and of Nebraska in November 1904, and was not submitted to the people of Idaho because not properly adopted by the Legislature.

In Connecticut, an amendment, which is substantially a revision of the present Constitution, is to be considered by the Legislature of 1905.

¹Incorrectly listed in Index of Legislation, 32c, 32d, as having been adopted.
Editor

New York State Education Department
New York State Library

REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25C

STATE GOVERNMENT, LAWMAKING AND ELECTIONS¹

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State government

Governor. During the year 1904 only a few changes were made in the constitution of the office of governor. In Kansas ['03 ch.545] a constitutional amendment was adopted extending the veto of the executive to items of appropriation bills—a power which is now granted in 28 states. Governor Garvin strongly recommended the granting of the veto power in Rhode Island, one of the two states in which this power is still withheld, but no definite action was taken. The general tendency to increase the salary was further exemplified in two states, Alabama ['03, p.32] and Georgia ['04 p.71], where an advance was made from \$3000 to \$5000 in each case. The new administrative officers and boards created were generally added to the list of the governor's appointees, and contributed to the development of his authority. In a few points, however, there was a loss of prestige. In Louisiana ['04 ch.137] the governor lost the right of appointing the judges of the Supreme Court and the power was transferred to the people. In Tennessee the attempt to increase the term of the governor from two to four years was defeated ['03 ch.532]. It is interesting to observe that Governors Blanchard of Louisiana and Vardaman of Mississippi unite in the recommendation that the appointing power of the executive should be reduced in favor of popular election, while Governor Garvin of Rhode Island urges an increase in the appointing power.

Minor offices. Among the minor state officers the principal change noted is the general tendency to increase salaries and to add to the clerical force of the various departments. In Oregon it was provided that the state printer should henceforth be chosen by the state Legislature in place of the former system of popular election ['03 p.168]. In Tennessee, on the other hand, the proposition to transfer the choice of secretary of state, treasurer and

¹See also *Governors Messages and Index of Legislation*, 15.

comptroller from the Legislature to the people was defeated at the polls ['03 ch.532]. In Virginia the terms of a number of minor state officers were extended from two to four years ['03 ch.362 (ex. sess.)].

Creation of new boards. The multiplication of administrative boards noted in previous years continued during 1904 at what might fairly be regarded as a normal rate for an "off year" in legislation. Some 40 new offices or boards were created—an average of almost one per state. Compared with the 140 boards of the preceding year, this number may seem small, but it is nevertheless large enough to necessitate analysis.

A considerable number of these new agencies were organized in the interest of agriculture. Thus Alabama organized a state board of horticulture ['03 p.140]; a division of nursery and orchard inspection was provided in Ohio ['04 p.172]; a state nursery inspector in Rhode Island ['04 ch. 1159]; a state crop pest commissioner in Louisiana ['03 ch.6]; a state commissioner of agriculture, commerce and immigration in South Carolina ['04 ch.259]; highway commissions in Iowa ['04 ch.105],¹ Maryland ['04 ch.225], and Ohio ['04 p.511, 523] and departments of forestry in Louisiana ['04 ch.113] and Massachusetts ['04 ch.409].

The financial side of state government was represented in the provision for some nine offices. These include a state auditor and a state board of public accountants in New Jersey ['04 ch.198, 230], a state bank examiner in Alabama ['03 p.483], an insurance examiner and a commission on life insurance companies in Iowa ['04 ch. 56, 58],² a board of deposit in Ohio ['04 p. 535], and three taxing boards—the Kentucky Board of Assessment ['04 ch.66], the Ohio State Board of Equalization for Electric Railroads ['04 p.572] and the West Virginia State Tax Commissioner ['04 ch.4].

The interest in public charities is reflected in the organization of five administrative agencies. These are a state board of charities and corrections in Louisiana ['04 ch.176], a board for examination of nurses in Maryland ['04 ch.172, 241], a board of tenement house supervision in New Jersey ['04 ch.61], a state board of alienists in New York ['04 ch. 326] and a state orphan agent in Iowa ['04 ch.157].

Educational administration is represented in the three textbook commissions of Alabama ['03 p.167], Kentucky ['04 ch. 3] and

¹Iowa State College of Agriculture constituted a commission.

²Governor, auditor and attorney general constituted a commission.

³Auditor, treasurer and secretary of state constituted a board.

Mississippi ['04 ch.86] and in the state commissioner of education in New York ['04 ch. 40]. Public health found recognition in the establishment of the dental examiners ['04 ch.32] and a state board of embalmers in Kentucky ['04 ch.32, 89] and the barber examiners of Maryland ['04 ch.226].

In New Jersey an important step was taken in the organization of a department of labor ['04 ch.64].

Of a miscellaneous character were the office of fire marshal in Louisiana ['04 ch. 122], the Fireman's Relief Board in Rhode Island ['04 ch. 1161], the River Improvement Commission and the Board of Examiners and Appraisers of Canals in New York ['04 ch. 734, 335], the River Flood District Commissioners in New Jersey ['04 ch.4 (ex. sess.)], the Mississippi Capitol Commission ['04 ch. 109], and the Virginia secretary of military records ['04 ch.70].

Offices abolished. But few offices were legislated out of existence in 1904. Except for the changes involved in the consolidation process in New York, there was practically no abolition of offices. The courts, however, eliminated the Idaho Board of Deposits in the case of *State v. Coffin*, 74 P. 962. The reason assigned was the defectiveness of the title under which the bill was passed.

Temporary boards. In addition to the permanent boards or offices, mention must be made of the 37 temporary commissions and the 19 special investigating boards. Of the former some 15 were formed in connection with the establishment of a state memorial of some character, and 10 others to consider the location or supervise the construction of some state building. Four were designed to undertake the codification or consolidation of state statutes, and three for state representation at various expositions. The special investigating committees or commissions covered a miscellaneous variety of topics, ranging from banking laws and tuberculosis to public records, local sewerage and the Torrens land system.

Civil service. No changes of great significance were introduced in the civil service by the legislation of the last year. In Massachusetts the most important change was made. Here the law was so amended that removals from the classified service may hereafter be made only on written charges and after the accused has been furnished with a copy of the charges and given a hearing ['04 ch.314]. In Iowa the veterans of the Civil War were accorded preference in making appointments in public departments or public works, provided they are capable of performing the duties

required ['04 ch.9]. A Louisiana law ['04 ch.9] provides that the governor may suspend any officer in charge of public funds if, on being found in arrears and demand for settlement being made, he does not settle within 10 days. Another change of note is the Iowa requirement that all state boards and officials shall turn over to the state treasurer every month all fees received by them ['04 ch.7].

Centralization. The tendency toward centralization of state administration was evidenced during 1904 in the states of Louisiana and New York particularly. In Louisiana there was created a board of charities and corrections for the purpose of supervising state, parish and municipal institutions of a "charitable, eleemosynary, correctional or reformatory character." It is expressly stated, however, that the duties of this board are to be "strictly visitorial, without administrative or executive powers." In New York a very notable step was taken in the consolidation of the Department of Public Instruction and the University of the State of New York. The office of state commissioner of education was created to take the place of the former offices of superintendent of public instruction and secretary of the University and the duties and powers of the two departments combined. This is the climax in the series of centralizing measures which have attracted the attention of students of administration to the development in New York State.

The growth of administrative agencies for various purposes goes rapidly on, with no adequate development of civil service or of administrative centralization. Civil service would tend to curb the power of the party organization on its most dangerous side, and a system of centralization would make possible party responsibility; but neither of these movements is keeping pace with the development of the various branches of state government from year to year. In this respect, the state governments present a striking contrast to the federal government and to our city governments, where centralization of responsibility and the reform of the civil service are making rapid progress.¹

Lawmaking

Constitutional amendments. During the year 1904 no constitutional conventions were held. In Michigan and Nebraska propositions for conventions were submitted to the people and

¹See Governors' Messages, 46b.

rejected.¹ In Connecticut a revision of the Constitution was passed by the Legislature and referred to the Legislature of 1905.

A great number of changes were attempted or effected by means of special amendments. In all no less than 73 amendments were voted on, and of these 42 were adopted and 31 rejected.² In some of the states the number of propositions submitted was very large, as in Louisiana where there were 15 different questions before the people, in Florida 8, in Tennessee 7 and in California 6. Twenty-four amendments were passed by Legislatures and referred to the next session. There were also seven amendments passed by Legislatures and are now awaiting the verdict of the electorate.

Of the amendments adopted, the majority were concerned with the subjects of taxation and finance, the judiciary and the Legislature. Some 17 of the amendments centered around questions of taxation and finance; 6 affected the election of judges or the jurisdiction and procedure of the courts; 5 touched the organization of the legislative body or the mode and limits of its activity.

Legislature. The size of the state Legislature was affected by action in several cases. In Iowa ['04 p.208] the limit of House membership was increased from 100 to 108, and in Georgia ['04 p.48] the limit was raised from 175 to 183. Rhode Island referred to the Legislature of 1905 an amendment increasing the number of representatives from 72 to 100. The same amendment provides for the division of towns and cities into representative districts, and increases the maximum number of representatives permitted any city or town from one sixth to one fourth of the total number ['04 ch.13].

Reapportionment acts were passed in Indiana, Iowa and Georgia. The Indiana law ['03 ch. 206] was, however, declared unconstitutional in the case of *Brooks v. State* [70 N. E. 980] because of the gross inequality in the population of the various districts. The court declared that "an apportionment which gives, or is intended to give, to one political party or another, a decided and unfair advantage in the election of members of the General Assembly, where such disparity can be avoided, must for that reason be condemned."

The salary of members of the Legislature in Ohio ['04 p.316] was raised from \$600 to \$1200. So low are the salaries of legislators that this advance places Ohio third in rank, only New York and

¹ Though the votes for a convention greatly exceeded those against, they failed to receive a majority of all the votes cast at the election as required by the constitutions of these states.

² Three other amendments were defeated by failure to secure repassage by the Legislature in states where this is a necessary step in the process of constitutional amendment.

Pennsylvania with \$1500 salaries exceeding this compensation. Several acts were passed providing for increased clerical service for committees. Alabama regulated in some detail the choice, compensation and tenure of legislative employees ['03 p.27].

Another matter of importance in regard to the legislative body was the elimination of the unfortunate requirement in Michigan that bills must be introduced within the first 50 days of the session ['03 p.427]. South Carolina voted in November 1904 in favor of an amendment providing for biennial legislative sessions ['04 ch.483]. The action of the people is not final however as the Constitution provides that amendments voted by the people are not effective till they have been ratified by act of the Legislature. If this should be done the number of states holding regular annual sessions would then be reduced to five. This would be in line with the general tendency which has gone so far in Alabama as to provide for a quadrennial session.

Special legislation. The most important feature of special legislation during 1904 was the adoption of the Illinois constitutional amendment, authorizing the Legislature to pass special laws for the government of the city of Chicago—a practice forbidden by the Constitution of 1870. It is provided, however, that all such special laws passed must be submitted to a referendum of the Chicago electorate for adoption or rejection. This is an interesting case of special legislation by means of constitutional amendment, qualified by the local referendum. In Florida and Tennessee amendments authorizing certain forms of special and local laws were submitted to the people and rejected. A South Carolina amendment of a similar character was adopted by the people subject to ratification by the Legislature of 1905 ['04 ch.348]. Reference to the evils of special legislation was made by Governors Bates of Massachusetts and Odell of New York, but no action was taken in those states. Governor Nash of Ohio called attention to the fact that several classes of Ohio laws were still existing under the old and unconstitutional scheme of classification and recommended their modification to suit the decision of the court.

Direct legislation. Direct legislation received a setback in two states during the last year. The Massachusetts amendment providing for the initiation of constitutional amendments on the petition of 50,000 voters together with 15 senators and the majority of the representatives failed to repass the Legislature after its victory in 1903 ['03 p. 583]. Missouri also defeated an amendment which provided for a referendum on state laws on petition of 10% of

the voters in each congressional district, and for the initiative on petition of 15% of the voters of the state and 20% of the voters of each congressional district ['03 p.280].

Elections

Suffrage. Practically no change was made in the qualifications for suffrage. Governor Garvin of Rhode Island strongly recommended that the property qualification for the election of city councils should be abandoned and pointed out the fact that under the present system three fifths of the ordinary electorate is disfranchised. Governor Bates of Massachusetts recommended the extension of the suffrage to women. In Oregon a measure providing for woman suffrage passed the Legislature and now goes to the people for final decision ['03 p.37].

Time of elections. The generally prevalent system of biennial elections was adopted during the last year by Iowa ['04 p.207]. In Ohio a constitutional amendment providing for the biennial election of state and county officers in even years and the election of all others in odd years is to be voted on by the people ['04 p.640]. Another amendment provides for the change of the election of judges and other officers from the spring to the fall ['04 p. 37]. In New York it has been provided that the date of the elections in villages having a population of less than 3000 may be changed to any Tuesday in June by special vote of the village ['04 ch.231].

Registration and election machinery. In Kentucky the registration law was extended to cities of the fifth and sixth classes ['04 ch.6]. In Louisiana provision was made for a permanent registration of voters, to be supplemented before each general election ['04 ch.118]. The election machinery of Virginia was modified by the transfer of the appointment of the county electoral boards from the General Assembly to the County or Corporation Court ['03 ch.346 (ex. sess.)]. In Alabama there has been provided an electoral board of three for each county, to be appointed by the governor, the state auditor and the commissioner of agriculture and industries ['03 p.438]. This board is to go from precinct to precinct and effect a complete registration of the voters. In New York an important change was made by authorizing, in cities of 250,000, the removal of election officers on the request of the party official by whom they are appointed. This is a protection against cases where there is a change of politics on the part of the election officials, but at the same time places all judges at the mercy of the particular faction in power ['04 ch.70].

Parties. The matter of party nominations was the subject of important legislation during 1904. Several states passed noteworthy primary laws and two of these were sweeping direct nomination measures.

The Alabama law ['03 p.356] made provision for a primary system that is typical of the Southern States. The law is optional with the parties; the qualifications for participation in the primary are fixed by the state central committee; the expense of the election is a private and not a public charge. Nominations are to be made by direct vote and there is no provision at all for the use of the delegate system. Ohio also passed a law of a somewhat flexible character ['04 p.439]. Adoption of the provisions of the act is made optional with the parties, and the party committee "shall prescribe the qualifications not inconsistent with the provisions of this chapter, of persons to vote at such election."

The Mississippi direct primary law of 1902, the first state-wide primary law to be adopted in the United States, was slightly amended ['04 ch.129]. It was provided that where a candidate has no opposition in the primary, he shall be declared the nominee for that office. Furthermore, the complicated scheme for nominating candidates by the indirect electoral method, in the absence of a majority nomination, was eliminated.

The most important primary legislation of the year, however, was in the states of Oregon [Initiative petition of Feb. 5, 1904] and Wisconsin ['03 ch.451], where direct nomination plans of an advanced type were adopted. The first Oregon law of 1901 had been declared unconstitutional, and this second measure was introduced by the initiative and passed under the referendum. The Wisconsin law was the result of a long drawn out struggle carried on by the opponents of the convention system. Both systems are mandatory in character. Both laws provide for the direct nomination of practically all but local officers. Oregon excepts municipal elections in towns and cities of less than 2000, and Wisconsin excludes town, village and school district elections, the judiciary (except police justices and justices of the peace) and the state superintendent of public instruction. Both provide for a direct vote on the nomination of candidates for the United States Senate. Both provide for placing names on the official ballot by petition of a certain number of voters. For state officers the number is, in Wisconsin, 1% of the party voters in six counties, and this must equal 1% of the party vote in the state; in Oregon by persons in one tenth of the precincts in seven counties. For the smaller units different percentages are required. Both systems provide for joint

party primaries on the same day throughout the state. In Wisconsin the various ballots are pinned together and handed to the voter, who detaches the ticket he wishes to vote. In Oregon the tickets are of different colors—the Republican ballots having black ink on white paper, and the Democratic black ink on blue paper. Both systems provide for plurality nominations; both include the election of party committeemen in the plan; both provide that all the safeguards of the law shall be thrown about the primary and that every possible precaution shall be taken against fraud or violence. Both systems are to be maintained at the public expense.

On some other points the two plans differ. In Wisconsin provision is made for the adoption of a platform by the candidates for state office together with the candidates for the state Legislature. In Oregon, on the other hand, the candidate in filing his nomination is allowed to state his principles in not more than 100 words, and to present a statement of not more than 12 words to be printed on the ballot as his platform. Again, the Wisconsin law provides for holding the primary and the registration on the same day, while this feature does not appear in the Oregon law. A further and more fundamental difference concerns the matter of party suffrage. The Wisconsin law is based on the principle of the "open primary" in which there is no test of party allegiance and the whole vote is absolutely secret. It is not possible under this system to determine with what party an individual votes. In Oregon a system of party registration has been adopted, as the court took an unfriendly attitude toward the open primary feature of the first law. At the regular registration the voter is now allowed to affiliate with a party, taking oath to the effect that "you are in good faith a member of the political party with which you are registered." This principle is distinctly recognized in the preamble to the Oregon law, where it is stated that "Every political party and every voluntary political organization has the same right to be protected from the interference of persons who are not identified with it as its known and publicly avowed members, that the government of the state has to protect itself from the interference of persons who are not known and registered as electors. The people of the state and the members of every political party and voluntary political organization are rightfully entitled to know that every person who offers to take any part in the affairs or business of any political party or voluntary political organization in the state is in good faith a member of such party."

The Iowa law [’04 ch.40] is an attempt to perfect the delegate and convention system by throwing around it all possible safe-

guards. It applies to counties having a population of over 75,000, of which Polk county is the only example. All the guaranties given in an ordinary election are provided and in addition certain unusual precautions. The law declares that delegates elected under its provisions "shall be considered as instructed to vote for, as long as good faith requires, and use their best endeavors to secure the nomination of the persons for the various positions to be filled, who have received the largest number of votes respectively in the precinct where the delegate was elected." If, in the convention, it appears that any candidate for any office has a majority of the instructed delegates he is declared the nominee. If not the convention proceeds to ballot till a majority is secured for some one, but no one may be chosen whose name does not appear on some primary ticket. A system of party registration is also a part of the measure.

The ballot. A number of laws were passed regulating the kind of ballot to be used in the elections. By far the most radical measure that met with approval was the proposed constitutional amendment of Kentucky ['04 ch.30]. This provides for the abandonment of the balloting system and the substitution of viva voce voting. In Alabama the Australian ballot system was modified by the introduction of the party emblem over the party column, instead of the classification of candidates as under the old law. In Maryland, on the other hand, the law was so changed as to omit the provision for placing the party name after the name of the candidate ['04 ch.339]. A New York law provided that where town and general elections are held together separate ballots must be used ['04 ch.733]. In Alabama the voting booth was given up in towns under 3000 in population.

Corrupt practices. The corrupt practices act of Massachusetts was strengthened by providing that the secretary of the commonwealth should furnish blanks to be sent to all candidates for statement of campaign expenses. If no statement is received within 60 days after the election, the attorney general is to be notified of the fact, and the Supreme Court or the Superior Court may compel the filing of a "sufficient statement" ['04 ch.375, 380]. Alabama required the declaration of primary expenses by candidates for nomination ['04 p.356]. The Iowa law also provided penalties for corrupt practices in elections ['04 ch.40] and Virginia increased the penalty for vote buying and added the alternative punishment of imprisonment in jail for from 1 to 12 months ['04 ch.551]. Ohio also passed an act prohibiting bribery in primaries and conventions ['04 p.107].

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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25d

Criminal Procedure
Crimes and Offenses
Corrections

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CRIMINAL PROCEDURE¹

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The legislation of the several states for 1904 relative to criminal procedure is not extensive, and little of it is of general interest. It would seem that criminal procedure should by this time be so well settled that scarcely any legislation would be necessary in any state. The constant demand, however, for some modification of the treatment of persons accused of crime seems to bring forward some new legislative enactment at every session of a state Legislature.

Apprehension. An act was passed at the extra session in Virginia ['03 ch.529] which is somewhat novel, but exceedingly useful. It provides that when an officer (judicial no doubt is meant) suspects an offense has been committed, he may issue subpoenas for and examine witnesses to determine whether the offense has been committed, and issue his warrant after he discovers the truth in the matter. This could be made a very useful act. In 1904 this act was amended and extended ['04 ch.103]. Kentucky enacts additional laws for rewards for the arrest of horse thieves ['04 ch. 47]. Massachusetts authorizes a court to issue process to bring defaulting recognizers into court ['04 ch.164]. New Jersey gives judges of police courts power to bail in ordinance violation cases ['04 ch.170]. New York authorizes bail to be taken by a magistrate in a county where the defendant may be held ['04 ch.202]. South Carolina authorizes a deposit for bail of an amount not exceeding the fine for which the offender may be punished ['04 ch.204].

Discharge. Ohio gives to the local courts of the county in which its benevolent or penal institutions are situate, exclusive jurisdiction to issue and determine writs of habeas corpus for the production or discharge of inmates ['04 p.318]. This is a good rule and is in

¹See also Governors Messages and Index of Legislation, 202.

force in other states. It prevents the officers of a state or county institution from being required to take inmates to far away points at risk and expense.

Grand jury. Minnesota authorizes a vote on the question of the abolition of the grand jury system through an amendment to the state Constitution ['04 ch.269]. Iowa authorizes clerks to grand juries in certain populous counties ['04 ch.138]. Virginia enacted an excellent statute as to selecting grand jurors. It provides that the persons to constitute the grand jury for a year shall be selected by the court, and that the court may order a special grand jury to be summoned in vacation. A regular grand jury is reduced to not less than 9 or more than 12, and a special to not less than 6 or more than 9 ['04 ch.549 (ex. sess.)].

Trials. Massachusetts prevents male and female prisoners being put in the same dock in police, district, or city courts ['04 ch.218]. Rhode Island extends her act as to appointment of attorneys for indigent persons accused of crime, and compensates them for their services not beyond \$15 a day while conducting the trial, and \$10 a day and necessary disbursements if no trial be had ['04 ch.1153]. Virginia requires the court to fix a day on which the trial of a criminal case will commence ['03 ch.539 (ex. sess.)]. It is difficult to see how a cause could otherwise be commenced. This state also provides that on a plea of guilty the judge may try the facts and impose the penalty, instead of the jury as heretofore ['04 ch.553 (ex. sess.)]. The venue may also be changed by the court ['04 ch.19]. When the militia has been called out to protect the accused, the venue shall be changed on the petition of the prisoner ['04 ch.190].

Evidence. Louisiana authorizes the sheriff of one parish to serve subpoenas for witnesses in adjoining parishes ['04 ch.48]. New York authorizes a judge, upon being satisfied that a person is a material witness in a criminal case, to require such person to enter into bond for appearance as a witness in the cause, or in default, to commit such witness into custody ['04 ch.437]. Ohio exempts from prosecution persons testifying as to the violation of liquor laws or bucket shop acts ['04 p.332]. Alabama makes a wife a competent witness against her husband in case of his abandoning his family ['03 p.32].

Judgment. Sentence. Error. Kentucky enacts that no mandate shall issue or decision become final in a criminal case till 30 days (exclusive of Sundays) after the decision is rendered ['04 ch.64]. The same state allows an appeal from a verdict of acquittal by the

commonwealth, "when it is important to the correct and uniform administration of the criminal law" ['04 ch.65]. It is difficult to see the utility of this statute. Rhode Island regulates appeals for certain minor offenses and the filing of reasons for appeals thereon ['04 ch.1149]. Virginia amends her writ of error in minor respects of no general interest ['03 ch.403]. The same state also provides for bills of exceptions in criminal cases ['03 ch.541] and permits an appeal by a person required to enter into a recognizance in a criminal case ['04 ch.73]. Louisiana permits discharge of a prisoner on the payment of the part of fine proportionate to the term of sentence yet to run, when the imprisonment is for a fixed term in default of payment of a fine ['04 ch.168]. Maryland permits the governor to remit the whole, or any part, of a forfeited recognizance taken by a judge, or justice of the peace ['04 ch.552]. Virginia enacts several acts relative to power of the governor to remit fines. This power was formerly in the Legislature. Massachusetts amends the act relative to the delivery of the body of a convict after execution ['04 ch.204]. West Virginia enacts relative to the delivery of prisoners to the keeper of penitentiary after sentence ['04 ch.21].

Jury. Virginia repeals the act giving defendants a right to waive a trial by jury in cases of misdemeanor ['03 ch.522]. The same state modifies her act relative to selecting jurors ['04 ch.17,82]. Ohio gives the prosecuting attorney four peremptory challenges ['04 p.316].

Conclusion. But three acts in all this review of legislation on criminal procedure are, in my mind, worthy of general adoption. These are the Virginia act ['03, ch.520] which requires an examination by magistrates before issuing warrants of arrest. Warrants are obtained too easily. The sacred right of the citizen to be free from arrest is treated too lightly in our time. A clear *prima facie* case should always be required before a warrant issues to deprive a citizen of his liberty. Another is the Rhode Island act ['04, ch. 1153] which fixes by statute the fee to be paid to counsel assigned by the court to defend indigent prisoners. There is a tendency to make such fees excessive and unless something is done to restrict such fees, to a reasonable amount, there will soon come a time when the public authorities will overthrow the whole system as an extravagant and unwarranted expenditure. The third is the Louisiana statute ['04, ch.168] which permits the discharge of prisoners, held in default of payment of an imposed fine, on the payment of the part of the fine, not already worked out by the term

of imprisonment served by the prisoner. Most of the states hold prisoners for unpaid fines for twice the number of days there are dollars in the amount of the fine—that is they allow 50 cents for each days service in prison. The effect of this act is, on a fine which would hold an offender for 60 days, to permit the prisoner to be discharged at the end of 30 days on the payment of one half the fine imposed. With a little more detail in the statute it could be made a very useful act.

CRIMES AND OFFENSES¹

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The course of criminal legislation for the year 1904 in the different states was not marked by the discovery of any new form of offense. Except in the code of the United States, the categories of crime in this country are already sufficiently minute to cover all modern offenses, whether they relate to expectoration or to the stealing of electricity. It is something of a relief therefore to find that no new crime has been created or discovered. Legislators have mainly been busy in strengthening laws, readjusting penalties, in the hope by such deterrents of limiting the field of criminal operation. The practical value of a legal menace to the purely professional criminal has not yet been determined. Offenders who violate law, owing to passion or weakness, are seldom affected by the threats of the law. It is not likely that there would be any perceptible diminution in intemperance if capital punishment were imposed as a penalty. The habitual inebriate would satirize the law by getting "dead drunk" just the same.

Nevertheless, South Carolina has determined to frighten burglars by making safe-cracking a felony and prescribing life imprisonment for the offense unless the jury recommends mercy. We suspect that immunity from this offense in South Carolina will depend more on the quality of the safes used by her business men than on this threat of the law. Kentucky feels that it has provided "more adequate punishment for bank robbery and safe-blowing," by making the penalty not less than 2 nor more than 20 years, and leaving the sentence entirely with the court.

The fluctuations of penalty and of legal estimates as to the enormity of offenses are curious enough. Thus Kentucky, while showing a much greater leniency than South Carolina in dealing with safe-cracking and bank robbery, has elevated chicken-stealing to the rank of a felony. Heretofore, the high toned cracksman has not been obliged to associate in prison with the chicken thief; the enormity of his offense has always secured for him confinement in a state prison, while the chicken thief has gone to the county jail. With a ruthless hand Kentucky proposes to obliterate these social and penal distinctions. The new Kentucky law says, "If any person shall steal chickens, turkeys, ducks, or other fowls of the

¹See also Governors Messages and Index of Legislation, 234.

value of \$2, or more, he shall be confined in the penitentiary not less than one nor more than five years." That is the whole text of the law, which is a model of legal brevity. Chicken thieves in Kentucky, to escape the invitation and consequences of felony, must confine their choice to chickens less than \$2 in value and not take too many of them at a time. The new law counsels moderation.

As to other forms of crimes against property, Louisiana imposes a penalty of from one to five years' imprisonment at hard labor for burning or attempting to burn any movable property of value. Maryland has amended its laws relating to arson. Under this act, various distinctions are made as to degrees of enormity in the offense of arson without affecting the general scale of penalties. In the discretion of the court, capital punishment may, as hitherto, be imposed, or a sentence to a penitentiary for 20 years. For firing an untenanted or unfinished dwelling house, the maximum penalty is 10 years. For burning or attempting to burn the State House or other public buildings or churches, colleges, or hospitals, the maximum punishment, death, may be imposed, or 20 years' imprisonment. For burning mills, manufactories, store-houses and other private property, the sentence may be from 2 to 20 years; the burning of schoolhouses, engine houses, market houses, or bridges is punishable with imprisonment for seven years.

Distinctions as to arson made in Maryland are not so comprehensive as those made in the penal code of New York, in which the degree of enormity depends not on the public or private uses of the building, but rather on the fact of its occupancy by a human being; such fact constituting arson in the first and second degrees, while the third degree is limited to the destruction of insured vehicles or buildings with the intent to prejudice the insurer.

Several states have passed laws making it a misdemeanor to divert or steal the electric current. In Iowa it is punished as for larceny.

The operations of dentistry as applied to horses and mules in South Carolina are henceforth to be seriously limited. An amendment of the criminal code provides that "Any person who files down, drills or bores holes in, or otherwise makes alterations in the teeth of any horse or mule, for the purpose of deception as to the age of such animal, shall be guilty of a misdemeanor." The penalty is 30 days' imprisonment or \$100 fine. While it would be proper for South Carolina dentists to practise the arts of deception to any extent on human beings so as to make them look younger than they really are, no horse or mule can have the advantage of this form of rejuvenation.

Virginia proposes to punish with from 5 to 10 years' imprisonment the malicious shooting or throwing of missiles at cars or boats ; where the act is not malicious, the term of imprisonment is from one to three years.

Kentucky and Virginia have both raised the penalty for bribery. In Kentucky, in lieu of the fine of \$200 to \$1000 formerly imposed the penalty is imprisonment in a penitentiary from one to five years with loss of suffrage for 10 years. Lest it should be inferred that bribery is common in Kentucky, and to show that the act is deterrent, the law ends with the following paragraph:

In view of the serious wave of corruption which has swept over the country involving officers of the federal government, members of the various state legislatures and numerous boards, commissions and councils of various cities, and to prevent the possibility of such shame in Kentucky, an emergency is hereby declared to exist, and this act shall take effect upon its approval by the governor.

In Virginia bribery is to be punished by imprisonment in the penitentiary (formerly jail) of from 1 to 10 years (formerly 1 year).

Judging from legislation, vagrancy is in need of more stringent and intelligent treatment. Alabama, Kentucky, Mississippi and Virginia have revised and adopted more stringent vagrancy laws. In some of these laws the definition covers almost as much ground as the offenders.

Kentucky and Maryland have increased penalties for carrying deadly weapons. In Maryland the fine, formerly \$500, has been increased to \$1000 and the term of imprisonment raised to two years. In Kentucky, it is made "unlawful for any one to draw, flourish or wave a deadly weapon inside of a passenger coach, or on the platform of any passenger coach occupied by passengers or employees." The penalty is a fine from \$25 to \$300 or confinement in county jail from 10 days to 12 months, or both fine and imprisonment in the discretion of the jury.

As to crimes against persons, Virginia has raised the punishment for kidnapping for purposes of extortion, to death or imprisonment from 8 to 18 years. In Iowa, the penalty of assault with intent to murder, formerly 10 years, has been raised to a possible 30 years.

In regard to receiving stolen goods, New Jersey recognizes its ethical obligations to other states by making it a misdemeanor to retain stolen goods whether the crime is committed in or out of the state.

Arkansas, Maryland, New York and South Carolina have amended their laws in relation to gambling. Of these laws, the most im-

value of \$2, or more, he shall be confined in the penitentiary not less than one nor more than five years." That is the whole text of the law, which is a model of legal brevity. Chicken thieves in Kentucky, to escape the invitation and consequences of felony, must confine their choice to chickens less than \$2 in value and not take too many of them at a time. The new law counsels moderation.

As to other forms of crimes against property, Louisiana imposes a penalty of from one to five years' imprisonment at hard labor for burning or attempting to burn any movable property of value. Maryland has amended its laws relating to arson. Under this act, various distinctions are made as to degrees of enormity in the offense of arson without affecting the general scale of penalties. In the discretion of the court, capital punishment may, as hitherto, be imposed, or a sentence to a penitentiary for 20 years. For firing an untenanted or unfinished dwelling house, the maximum penalty is 10 years. For burning or attempting to burn the State House or other public buildings or churches, colleges, or hospitals, the maximum punishment, death, may be imposed, or 20 years' imprisonment. For burning mills, manufactories, store-houses and other private property, the sentence may be from 2 to 20 years; the burning of schoolhouses, engine houses, market houses, or bridges is punishable with imprisonment for seven years.

Distinctions as to arson made in Maryland are not so comprehensive as those made in the penal code of New York, in which the degree of enormity depends not on the public or private uses of the building, but rather on the fact of its occupancy by a human being; such fact constituting arson in the first and second degrees, while the third degree is limited to the destruction of insured vehicles or buildings with the intent to prejudice the insurer.

Several states have passed laws making it a misdemeanor to divert or steal the electric current. In Iowa it is punished as for larceny.

The operations of dentistry as applied to horses and mules in South Carolina are henceforth to be seriously limited. An amendment of the criminal code provides that "Any person who files down, drills or bores holes in, or otherwise makes alterations in the teeth of any horse or mule, for the purpose of deception as to the age of such animal, shall be guilty of a misdemeanor." The penalty is 30 days' imprisonment or \$100 fine. While it would be proper for South Carolina dentists to practise the arts of deception to any extent on human beings so as to make them look younger than they really are, no horse or mule can have the advantage of this *form of rejuvenation*.

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portant is that passed by New York at the request of District Attorney Jerome of New York city to the effect that a witness in gambling prosecutions is not to be excused from testifying on grounds of self-incrimination and that the testimony is not to be used against him.

Maryland imposes a penalty of imprisonment from six months to two years in the house of correction for playing "Thimbles," or "Little Joker," or at dice or "Crap."

Louisiana makes it a misdemeanor to open or operate turf exchanges and to open or conduct pool rooms.

The humane sentiment is seen in the prohibition in Iowa and New Jersey of shooting at live pigeons as targets. Iowa prohibits the docking of horses. The offense is made a misdemeanor and the penalty a fine not to exceed \$100 or imprisonment in county jail not to exceed 30 days.

Attention was called last year to the utterances of Governor Jelks of Alabama, Governor Aycock of North Carolina, and Governor White of West Virginia against lynching. In 1904 Governor Heard of Louisiana called the attention of the Legislature to the subject of mob violence and suggested the enactment of the recommendations made by the attorney general.

Governor Blanchard of Louisiana in his message of May 16, 1904, said:

There will be a rigid enforcement of law and order. Mob violence in contravention and defiance of law will not be tolerated. Lynchings will not be permitted under any circumstances, if it be possible for the military, at the command of the governor, to get there in time to prevent it. And if they occur before the intervention of the executive can be made effective, inquiry and investigation will be made and prosecution instituted. Sheriffs will be held to the strictest accountability possible under the law for the safety from mob violence of persons in their custody. . .

Governor Heyward of South Carolina, in his message of Jan. 12, 1904, also said:

The occurrence of lynchings from time to time in our state is deplored by all believers in law and order. . . Theoretically speedy trials offer the best remedy, but smarting under the horrors of the outrage, even the most law-abiding communities may hesitate to expose to further indignity the shrinking victim. While this is all true, crime in any form can not be extenuated. Under our law an attempt to commit rape is punishable by imprisonment for a period not longer than 10 years. This, in my judgment, should be changed, and the penalty inflicted should be imprisonment for life.

CORRECTIONS¹

GEORGE MCLAUGHLIN M. A. SECRETARY NEW YORK STATE
COMMISSION OF PRISONS

The most noticeable trend of legislation for 1904 relating to corrections and penal institutions was for the better care of women and girls; the establishment of reformatories for both sexes; the wider extension of the indeterminate sentence law; progress in the work of separating the criminal insane from the innocent insane, and the separate housing of the former from other convicts; and increased compensation for the minor prison officials.

General supervision. In Florida Governor Jennings, in his annual message to the Legislature, states that the commissioner of agriculture is given the supervision of state prisoners by the Constitution, and as there are more than 1000 state prisoners located in the various counties, the present compensation of the supervisor of state convicts is inadequate.

Louisiana ['04 ch.176] has created a state board of charities and corrections with power to visit and inspect state and local charitable and correctional institutions.

Governor Vardaman of Mississippi recommends the abolition of the Board of Control, and the substitution therefor of a department under the direction of one man, whose duty it shall be to direct and supervise the work of the convicts.

Penal institutions. In New Jersey Governor Murphy stated in his message that the State Prison had become overcrowded, over 300 cells being each occupied by more than one prisoner. Accordingly the Legislature passed an act ['04 ch.98] making the supervisor, keeper and board of inspectors of the State Prison a building commission to enlarge and improve the prison. The expenditure is limited to \$335,000.

In New York Governor Odell says: "For humanitarian reasons ample provision should be made at once for remodeling the present state prisons. That source of disease, the damp, foul and unhealthy cell should be relegated to the past."

Prison officers. In Iowa a law was passed ['04 ch.139] providing for assistant deputy wardens for state penitentiaries. It was also provided [Ia. '04 ch.141] that the penitentiary guards and turnkeys shall hereafter receive salaries graded according to service, ranging from \$50 to \$65 a month.

¹See also Governors Messages and Index of Legislation. 235.

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Western House of Refuge at Albion or the New York State Reformatory for Women at Bedford.

In Ohio ['04 p.259] the law relating to the Girls Industrial Home at Rathbone was amended so as to authorize the detention of girls committed thereto till 21 years of age (formerly 18).

Reform schools. Louisiana ['04 ch.173] established a state reform school to which all male prisoners, 18 years of age and less, not convicted of murder, manslaughter or rape, shall be sentenced. The institution is to be under the control of three commissioners appointed by the governor; white and colored inmates are to be separated as far as practicable; the board has power to parole and make rules for commutation of sentences, and may transfer incorrigibles over the age of 15 to the State Penitentiary.

In New York the laws relating to commitments to juvenile institutions were amended so as to require the commitment of boys only to the schools at Rochester and Randall's island and of girls of the same age to the State Training School at Hudson. An act was also passed ['04 ch.718] authorizing the selection of a site for the New York State Training School for Boys. The site is to consist of 1000 acres, within 50 miles of New York city. This school, when established, is to take the place of the House of Refuge for Boys on Randall's island.

In Ohio ['04 p.23] the trustees of the Boys Industrial School were authorized to parole inmates of the institution.

In Virginia ['04 ch.22] the act relating to the West Virginia Reform School was variously amended; among other changes the Board of Directors is reduced from six to five, the term of one director to expire each year and *any* minor (formerly male minors under 16) may be committed to the school.

Reformatories. Massachusetts ['04 ch.243] authorized the prison commissioners to make regulations for the discipline of prisoners in the temporary industrial camp. The commissioners may also grant paroles and may aid discharged prisoners.

In Ohio ['04 p.82] the superintendent of the State Reformatory was authorized to expend 50% of the earnings of the inmates in equipping and maintaining industrial training schools in the institution.

County and township jails and workhouses. Massachusetts ['04 ch.211] repealed certain acts relative to recovery of sums expended for support of county convicts.

In New York ['04 ch.83] the book containing records of commitments to county jail is hereafter to be a public record, to be fur-

In Kentucky ['04 ch.106] the pay of the penitentiary guards was increased from \$60 to \$75 a month.

In Maryland ['04 ch.469] the salary of the warden of the penitentiary was increased from \$3000 to \$4000.

In New York ['04 ch.709] the position of keeper in the several state prisons was abolished. Such officers are hereafter to be called guards. Compensation for the first year is \$660; second year, \$740; third year, \$820; fourth year, and thereafter, \$900.

In Washington a constitutional amendment ['03 ch.147] was adopted by the people authorizing the Legislature to appoint chaplains to state penal and reformatory institutions.

Institutions for women and girls. New Jersey ['04 p.510] continued the commission appointed in 1903 to examine concerning the imprisonment and care of women offenders, with instructions to further examine the subject and to report also on the number of women committed to correctional institutions by judges or probation officers, and on the character and hours of work of women in penal institutions.

In New York ['04 ch.165] the law relating to the management of state houses of refuge and reformatories for women was amended by making each board of managers a board of parole for such institution; and providing that at the New York State Reformatory for Women at Bedford, the magistrate making a commitment, when he so requests, shall be a member of the board of parole as to such female committed by him. The law relating to commitments to state houses of refuge for women was amended ['04 ch.169] by providing that such commitments may be made by any court or magistrate (formerly magistrate only) and including the offense of vagrancy among those for which commitments may be made. This act also authorizes the State Board of Charities, at the request of the board of managers, to transfer inmates from one of these institutions to another. The House of Refuge for Women at Hudson was reorganized and its name changed to the New York State Training School for Girls ['04 ch.388, 453]. Girls of from 12 to 16 years of age may hereafter be committed to this institution. They were formerly sentenced either to the State Industrial School at Rochester or to the House of Refuge on Randall's island. Sentences are to be indeterminate; those under 15 years when committed may be retained till they attain the age of 18; those 15 years of age when committed may not be detained longer than three years. Females between the ages of 15 and 30, convicted of offenses shall not hereafter be sent to Hudson, but either to the

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nished by the county and to remain in the office of the sheriff. Town boards were authorized to lease a house of detention or lockup for a term not exceeding five years ['04 ch.68].

In Ohio ['04 p.86] the law relating to appointment of matrons for jails was amended so as to provide that sheriffs *may* (formerly shall) appoint not exceeding three jail matrons in *any* (formerly Cuyahoga) county; appointment to be approved by probate judge. The law providing for the joint erection of a workhouse by the county and city or village authorities was amended ['04 p.448] so as to authorize the acquirement as well as the erection and management of such a workhouse on such terms as such county and city or village may agree; and providing that such workhouse shall be managed and controlled by a joint board composed of the county commissioners and the board of public service of the city, or the board of trustees of public affairs of the village. The law relating to the management of workhouses was amended ['04 p.488] so as to authorize the board of managers to regulate not only the discharge but also the parole and recommitment of any inmate.

Convicts. In Iowa ['04 ch.134] a law was enacted making it an offense, punishable by not exceeding five years imprisonment, to bring into any state reformatory or penal institution certain narcotic drugs or intoxicating liquor, or any weapon or other article to aid escape of prisoners.

In Ohio also it was made a misdemeanor to convey liquors or certain narcotic drugs to persons in penal institutions ['04 p.120].

Convict labor. In Alabama ['03 p.86] the Board of Convict Inspectors were authorized with the approval of the Governor to employ male convicts in the mining of coal on state lands, and to hire convicts to coal operators. The board was also authorized, with the approval of the governor, to sell agricultural lands now used by the state in working convicts, and purchase other lands for same purpose ['03 p.393].

In Florida Governor Jennings recommended that instead of distributing all the money arising from the hire of state prisoners to the counties, one half should be retained by the state to be applied on the cost of criminal prosecutions.

In Georgia ['04 p.763] the prison commission was authorized to contract by competitive bids or private contracts for labor of male convicts unemployed at the State Farm, and pay funds into the state treasury.

In Louisiana ['04 ch.191] police juries of parishes were authorized to work the parish jail prisoners on any public work within the

parish, or to hire out such convicts to lessees under certain restrictions and regulations. The police juries are to fix the compensation and establish regulations for the employment, safe-keeping, housing and discipline of convicts while so working. Prisoners awaiting trial may work for their own benefit.

In Virginia ['04 ch.232] it was made lawful to employ not exceeding 50 convicts in doing the grading and other rough work connected with the proposed enlargement of the State Capitol.

Criminal insane. In Georgia Governor Terrell recommended a complete separation of the innocent insane from the criminal insane, and that the Prison Commission be authorized to erect on the prison farm a hospital for the criminal insane. The Legislature enacted ['04 p.107] that if a convict sentenced to a penitentiary becomes insane, he shall be removed to the prison farm, and the Prison Commission shall make provision for his care, maintenance and medical treatment. Insane convicts now in the State Sanitarium are also to be removed to the State Farm.

In Massachusetts ['04 ch.257] an act was passed providing that if a person under indictment is at time of trial or any time prior thereto found to be insane, or to be in such mental condition that his committal to an insane hospital is necessary for his proper care or observation, the court may commit him to a state insane hospital.

In New York ['04 ch.525] the insanity law relating to Matteawan State Hospital was amended so as to allow persons to be transferred thereto by the State Commission in Lunacy, and for the commitment thereto of persons declared insane while undergoing sentence of one year or less for a misdemeanor, and of all female convicts becoming insane while undergoing sentence. The amendment also provides that whenever the physician of the State Prison for Women, any county penitentiary, workhouse, reformatory for women, or any other penal institution (formerly state institution) shall report in writing that any convict confined therein is insane, such convict shall be examined by two qualified examiners in lunacy, and if reported insane may be transferred to the Matteawan State Hospital by order of a judge of a Court of Record. The Commission in Lunacy may transfer to said hospital any criminal inmate of other hospitals. After Oct. 1, 1904, all inmates of Matteawan State Hospital shall be maintained at the expense of the state.

System of sentencing and reform. Governor Cummings of Iowa states that he does not believe that a board of pardons is necessary; that under the Constitution the governor is required to take the responsibility; that preliminary investigation can be carried for-

ward in the governor's office; that no rule can be formulated to govern the discretion which he must exercise. He also recommends that the governor be authorized to employ additional agents to assist in securing work for discharged prisoners, and watch over them till they are again fairly established among their fellow-men. He also recommends that parole system be preserved and perfected; and in order that parole shall be consistent with the execution of the sentence, he recommends the adoption of some phase of the plan of indeterminate sentence. The Legislature adopted a resolution ['04 p.211] providing for the appointment of a committee to investigate the workings of the indeterminate sentence and Elmira Reformatory systems and report to the Legislature of 1906. \$500 appropriated for expenses.

Governor Garvin of Rhode Island recommends the passage of an act providing for indeterminate sentence and parole, to be made retroactive if possible.

In 1903 Kansas passed an act providing for indeterminate sentences. This act has been declared to be unconstitutional to the extent that it applies to persons convicted before its passage [State v. Tyree, 77, P. 290].

Probation. In New Jersey ['04 ch.132] an act was passed authorizing probation officers and their assistants to arrest on sight persons violating terms of probation. The certificate of the officer that the person has violated his probation is made a sufficient warrant for his detention. The court shall then inquire into the conduct of the probationer, and if satisfied that he has violated the conditions of probation, may sentence him or may recommit him to the care of a probation officer. Proceedings are barred three years after original conviction.

Habitual criminals. In Massachusetts ['04 ch.303] the law relating to habitual criminals was amended by providing that a defendant on third conviction shall be sentenced the *maximum term* (formerly 25 years) for crime of which convicted.

Identification. In Massachusetts ['04 ch.241] it was enacted that convicted felons must, and tramps and vagrants under sentence may, be measured by state or county officer according to Bertillon system. The former act applied only to felons serving a sentence of not less than three years.

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REVIEW OF LEGISLATION 1904 LEGISLATION BULLETIN 250

Property	Ernst Freund
Liens and Mortgages	Louis Boisot
Contracts and Torts	John B. Sanborn
The Family	Amasa M. Eaton

PROPERTY¹

ERNST FREUND, J. U. D. PROFESSOR OF LAW, UNIVERSITY OF CHICAGO

The year 1904 produced 38 statutes of the class here to be considered, enacted in 11 different states, and distributed as follows: Virginia 9; Massachusetts 6; New Jersey and Ohio 5 each; New York 3; Georgia, Kentucky, Maryland and Ohio 2 each; Alabama and Iowa 1 each.

19 acts relate to the general subject of conveyancing (form and acknowledgment of deeds, certificates, recording officers, registration of titles), 7 to the subject of eminent domain, 5 to neighbors' rights (fences, lateral support), 3 to partition proceedings, 2 to settled and future interests, 1 to fixtures, and 1 to literary and artistic property.

Most of the statutes relate to points of detail amending existing legislation, and without more than local interest; the following are deserving of notice:

Conveyancing. No noticeable progress has been made in the legislation introducing the Torrens system of registration of land titles; the Georgia commission appointed in 1903 ['03 p.689] is continued with instructions to report to the next session of the General Assembly ['04 p.758]; Louisiana provides for the appointment of a commission to investigate the system and report within 12 months ['04 ch.88]. Massachusetts changes the name of the Land Registration Court to that of the Land Court, and enlarges its jurisdiction by assigning to it a number of special proceedings concerning title to real estate ['04 ch.448].

¹See also Governors Messages and Index of Legislation, 377.

New Jersey facilitates the proof of titles by providing that a recital in the attestation clause and in the acknowledgment of a deed that the same has been sealed by the makers shall be conclusive evidence that the same was only sealed, the act to apply to deeds theretofore as well as thereafter made ['04 ch.89].

Kentucky has two interesting enactments: one providing that no deed shall be recorded unless it shall plainly specify and refer to the next immediate source from which the grantor derived title ['04 ch.67]; the other, making it unlawful for any county clerk to officially certify to any abstract of title, where the lands are in the actual possession of another than the one shown by the abstract to be the owner, or where there are conflicting patents of the commonwealth ['04 ch.92].

New York ['04 ch.702] permits owners of rural residences on large estates (over 100 acres) to register the same under a designation and device approved by the secretary of state, in the office of the latter. If it was intended to secure the name of country estates against duplication, the means adopted certainly seems quite futile; but the purpose of the statute can only be guessed at, and inquiries in various quarters have failed to elicit any information as to the object of the introducer of the bill.

Louisiana ['04 ch.30, 187] permits the owner of an industrial establishment to file on record a declaration, whereby the machinery and appliances of the establishment, for the purpose of sale or mortgage, become fixtures or, in the language of the civil law, "immovable by destination." The machinery and all its renewals and additions become part and parcel of the real estate [see C.C., art. 468].

Settled interests. Maryland ['04 ch.563] permits, where the title to land is divided into particular estates and remainders or executory interests, any of the parties in interest to institute proceedings for a decree under which the property may be mortgaged, the proceeds to inure to the benefit of the same parties who are entitled to the land itself, the decree to bind contingent interests of parties not in being. The act will allow the raising of money for permanent improvements or to pay off existing incumbrances, and such is probably its object. Similar provisions exist in other states [N. Y. real property law §85; Mass. R. L. ch.127 §28, 29].

New Jersey ['04 ch.182] authorizes a remainderman to apply for the appointment of a receiver where the life tenant fails to take and keep possession of the property and maintain the same free from waste, or to pay taxes and municipal liens chargeable on it.

Intangible property. Massachusetts ['04 ch.184] makes the unauthorized public performance of an unpublished and undedicated dramatic or musical composition a misdemeanor. An act of Congress of Jan. 6, 1897, amending R. S. §4966, provides a penalty for the unauthorized public performance of a dramatic or musical composition for which a copyright has been obtained. A composition once published is not protected except by complying with the provisions of the federal law; but before publication the owner has a common law right that no one else shall publish his work, and this right rests for protection on the state law. Legislation for the protection of this right was first enacted in New York in 1899; Louisiana followed in 1900; Pennsylvania and Oregon in 1901; New Jersey in 1902. The act of Massachusetts shows three changes from the act of 1899 of New York: New York protects only against performances for profit, and only musical compositions known as operas; New York on the other hand extends the protection to copyrighted compositions, which in view of the federal law seems not only superfluous, but illegal, since federal rights can not be enforced by state penalties. The changes embodied in the Massachusetts act therefore seem to be distinct improvements.

Eminent domain. There are seven acts relating to eminent domain, most of them affecting minor points. Virginia ['04 ch.608] codifies the law of condemnation by corporations. In the Review for 1903 attention was called to the appointment of a committee in Massachusetts to inquire into the practicability of legislation authorizing the condemnation of land for public uses, so as to take a whole lot, the greater portion of which only is needed, where the remnant is unsuitable for improvement, while a remnant can be added to other remnants or to other lots for that purpose. The committee made a full and interesting report, and a statute has been enacted ['04 ch.443] allowing the commonwealth or a city (in 1905 a bill was introduced to add towns) to acquire by condemnation, purchase or gift the whole of any estate, part of which is actually required for a public work, "if the remnant left after taking such part would from its size or shape be unsuited for the erection of suitable and appropriate buildings, and if public convenience and necessity require such taking." The regular method of disposing of such remnant is to be by offering it for sale to the owner of adjoining property. The committee's draft act contained a provision that if such offer was not accepted, the commonwealth or city should have the power to condemn such adjoining property

and then sell it together with the remnant; this provision does not appear in the act, though referred to in one of its sections. The committee with some hesitation expresses the opinion that the plan recommended by it, and since adopted by the Legislature, may be sustained as constitutional; under a liberal view of public power the difficulty should not be insuperable. The English law (unrestricted by constitutional limitations) has sanctioned such an exercise of the power of eminent domain [*Galloway v. Mayor of Commonwealth of London*, L. R. 1 H. L. 36].

LIENS AND MORTGAGES¹

BY LOUIS BOISOT LL.B. III MONROE ST. CHICAGO

Mechanics liens. The year's legislation on the subject of mechanics liens has been so small in volume and so unimportant in character as to be almost negligible. What there is of it indicates a continuance of the legislative policy, so general in late years, to court popularity by giving undue advantage to the lien claimant. When this tendency goes too far it is sometimes rebuked by the courts. Thus the Supreme Court of Kansas [*Atkinson v. Woodmansee*, 74 Kan. 640] has decided that the Kansas statute [G. S. '01 §5125] which allowed the successful plaintiff in an action to foreclose a mechanics lien to recover attorney fees from the defeated party while not granting the same right to the defendant is unconstitutional, as denying the equal protection of the law to all litigants. This decision is in accord with the decisions of other states in regard to similar provisions of such statutes.

As illustrations of this legislative tendency to favor the lien claimant we may mention the Mississippi act ['04 ch.152] which extends the time for enforcing liens from 6 to 12 months, and the Massachusetts statute ['04 ch.349] requiring officers who contract for the erection of public buildings to obtain from the contractors security for the payment of laborers and materialmen. Still more striking instances of this kind of legislation is the Ohio act ['04 p.499] which extends the right of lien on furnaces to persons furnishing fuel to be consumed therein, and the Virginia statute ['03 ch.395] extending the right of lien on the property of railway, canal and other transportation companies to the traveling representatives of such companies. These last two enactments certainly depart a long way from the original idea of the mechanics lien law which was to give a person a lien on the improvements

¹See also Index of Legislation, 404.

into the construction of which his labor and material had entered. If legislation is to proceed much further along these lines it is easy to foresee a reaction in which all mechanics lien laws will be wiped off the statute books.

Mortgages. No important legislation in regard to mortgages has been enacted during the year. The Legislature of Georgia has passed a law ['04 p.79] regulating the business of lending money on household furniture, including kitchen articles, sewing machines and musical instruments, by requiring any one engaging in that business to take out a license, give a bond, keep books containing descriptions of all loans made, and give the borrower a copy of the entry in regard to his loan. It would seem that these provisions ought to prevent some of the oppression caused by the greed of "chattel mortgage sharks," unless they find some way to evade the penalties attached to its violation. Another Georgia statute, ['04 p.99] gives the superior courts jurisdiction to appoint a new trustee under a deed of trust securing an issue of bonds whenever the former trustee fails to serve or becomes incapable of acting and provides a mode of procedure in such cases. Other legislation on this subject is unimportant.

Governor Odell of New York in his message to the Legislature makes some sensible suggestions on the subject of taxation of mortgages. Without attempting to decide the vexed question whether mortgages should be taxed at all, he argues forcibly in favor of legislation which should insure that all mortgages would be treated alike in the matter of taxation, a point on which all fair-minded men would probably agree with him, but which nevertheless is frequently overlooked by the lawmakers.

CONTRACTS AND TORTS¹

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The subjects of contracts and torts are of great importance to the lawyer, but do not ordinarily cause any considerable legislation. Modification of the common law is slow and cautious and it is only in a few special directions that our Legislatures have taken up the amendment or codification of the law relating to these subjects. During 1904 the most noteworthy enactments along these lines were the adoption of the negotiable instruments law in Kentucky and Louisiana, and legislation in various states in regard to the sales of merchandise in bulk, together with decisions in two states declaring such laws unconstitutional.

¹See also Index of Legislation, 452.

Negotiable instruments. The negotiable instruments law recommended in 1896 by the commissioners on uniformity of laws was adopted in substantially the form recommended by such commissioners by Kentucky ['04 ch.102] and Louisiana ['04 ch.64]. This makes 25 jurisdictions in which the recommendation of the commissioners has become law.¹ The Louisiana negotiable instruments law follows the recommended act in practically every particular. The Kentucky law has some changes, the most important of which are those in §95 and §96 which restrict a notice of dishonor to a written notice and the one which strikes out the provision in the original act for the adoption of the law merchant in cases not provided for. Curiously enough a number of clerical errors which crept into the act in its first enactment in New York in 1897 have been perpetuated in the Kentucky act, though most of these errors were corrected by the supplemental New York act of 1898. The Louisiana act follows the recommendation of the commissioners almost verbatim. It is interesting to note that neither of these acts have adopted the suggestions made in the rather heated criticism which the original enactment of the negotiable instruments law called forth.

Kentucky also defines due diligence in the collection of checks as that according to commercial usage ['04 ch.26], and New York requires notification to the bank within one year after return of voucher in order to fix the liability for payment of a forged check ['04 ch.287]. Virginia repeals a number of sections which relate to negotiable instruments ['03 ch.569 ex. sess.] but these in no way affect the negotiable instruments law previously adopted in that state, as the repealed sections relate to subjects which were substantially covered by the negotiable instruments law but which were not specifically repealed by it. A long enactment in Virginia relating to public holidays ['04 ch.137] has an indirect bearing on contracts as it touches the presentation of negotiable instruments and provides that they shall be presented on the next business day, but in this respect the law makes no substantial change from that which had existed before in that state.

Sales of merchandise. A favorite subject of legislation in recent years has been a restriction of sales of merchandise in entire stocks or otherwise than in the usual course of business. It is stated

¹New York, Connecticut, Florida, Colorado, Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, Iowa, Wisconsin, North Dakota, Utah, Oregon, Washington, Arizona, Idaho, Montana, Tennessee, New Jersey, Ohio, Kentucky, Louisiana and the District of Columbia.

by the Supreme Court of Ohio [Miller v. Crawford, 71 N.E. 631] that within six years the legislatures of 20 states have passed acts on this subject. The usual provision in these acts is for a notification in some form to the creditors of the vendor and various penalties for failure to comply with such terms, some making the sale presumptively void, others conclusively so as against creditors, and others inflicting fines. In two cases during the last year these acts have been declared unconstitutional. The Utah act ['01 ch.67] was reviewed in Block v. Schwartz, 76 P. 22, and it was there held that the law was unconstitutional as a deprivation of liberty of contract and of property without due process of law, in that it made a sale without the compliance of certain conditions fraudulent, irrespective of the financial condition of the vendor and imposed such onerous conditions on the sale that the disposal of property was rendered extremely difficult. It also held that the act was unconstitutional as class legislation as it only reached the debtor class in the mercantile business, thus excepting all persons engaged in that business who had no creditors and also farmers, miners, manufacturers etc., whether debtors or not. The act was also criticized as failing to exempt sales made by judicial officers. The question of the police power of the state was taken up and it was held that this act can not be brought within that rather indefinite province. The Supreme Court of Ohio also held the Ohio act on this subject ['02 p.96] unconstitutional as infringing the right prescribed by the Constitution for the holding of private property, and also as class legislation [Miller v. Crawford, 71 N.E. 631].

Among the new legislation on this subject the act of Kentucky ['04 ch.22] requires a notice to all creditors by the purchaser, from a list to be furnished by the vendor. It fixes a penalty for the failure to furnish such list and makes the purchaser hold in trust for the creditors in case of failure to give notice. Judicial sales are exempted. The bill became a law without the approval of the governor. New York has made some amendments to its law ['04 ch.569, amending '02 ch.528] so that the sale is only presumptively void as against the creditors and judicial sales are excluded. A penalty for failure to furnish a correct list of creditors has, however, been added. In Virginia ['04 ch.554 ex. sess.] an amendment to a previous act on this subject ['03 ch.304 ex. sess.] makes the sale only prima facie fraudulent and applies by its terms only to merchants. It surrounds the sale, however, with numerous restrictions, and though it does not go as far as the Utah and Ohio acts, it would probably be objectionable in those states, as would the laws of Kentucky and New York above referred to.

Interest. The only reference to contracts in the governors messages of 1904 was that by Governor Vardaman of Mississippi, recommending a reduction of the rate of interest to 8%. South Carolina ['04 ch.287] attempts to prevent usury on small loans by prohibiting a charge by the lender for the drawing of papers connected with the loan. In New York ['04 ch.661] some amendments are made to a previous act relating to the taking of security on loans greater than 6%.

Partnership. Ohio has a provision ['04 p.284] whereby the surviving partner or partners may cause a notice to be published for presentation of claims against the partnership, and limiting the time for such presentation to one year and discharging the surviving partner or partners and the sureties on the bond on the payment of claims presented within that time. This is supplemental to §3169 of the Ohio statutes giving the surviving partner the right to purchase the interest of the deceased partner on giving a bond for the payment of partnership debts.

Suretyship. The recent development of surety companies and the very common practice of giving bonds guaranteed by such companies is recognized and emphasized in an act of Ohio ['04 p.182] which, with the exception of bonds given by the superintendent of insurance, notaries public and those under \$2000 given by executors, trustees etc., restricts to bonds by surety companies authorized to do business in the state, restraining, however, the amount of any one bond of any company to 20% of its paid-up capital. If the person required to give such a bond is unable to procure any from a surety company he may, on the approval of the person under whom the bond was to be given, give a bond with sureties as heretofore.

Miscellaneous contracts. In Rhode Island ['04 ch.1151] it is provided that a demand for receipt for money tendered shall not prevent the offer from being a legal tender.

Personal injuries. In the subject of torts the usual field for legislation is that of personal injuries. The only provisions, however, which are of importance under this subject are, an act of Mississippi ['04 ch.87] providing that illegitimate children shall have right of action for death of the mother, and mothers of such children right of action for death of the child; and an act of Virginia ['04 ch.64] providing that if an action is brought within the period of limitations for death by wrongful act, the time when such action is pending shall not be counted as part of such period, and if the action is dismissed without a trial on the merits, a new action

may be brought within the remainder of the statutory period. This act also adds parents, brothers and sisters of deceased to those among whom the damages may be distributed, and also provides that where deceased shall leave a widowed mother and a widow with no children the amount shall be divided between them.

Libel. The Supreme Court of Kansas has declared unconstitutional the act exempting newspaper publishers from everything but actual damages in case of publication in good faith and retraction ['01 ch.249]. The court holds that the deprivation of the right to general damages can not be taken away without due process of law and the publication of the retraction is not such process [Hanson v. Krehbiel, 75 P. 1041].

THE FAMILY¹

AMASA M. EATON, PRESIDENT OF THE CONFERENCE OF COMMISSIONERS
ON UNIFORMITY OF LEGISLATION

Marriage

Parties. Age. La. '04 ch.129, amending C. C. art. 113 relating to impeachment of marriages contracted within degrees of consanguinity prohibited, validates such marriages heretofore contracted, celebrated in other states or countries where not prohibited; but marriages hereafter contracted out of the state within prohibitions established are not valid in Louisiana if parties return to reside permanently therein.

N. J. '04 ch.137 prohibits marriage of any person who has been confined in any public asylum or institution as an epileptic, insane or feeble-minded patient, without a certificate of complete recovery and that there is no probability of transmission of such defects to his issue from two regularly licensed physicians; and makes it a misdemeanor for any one of sound mind so to marry, or to abet such a marriage.

Ohio '04 p.83 prohibits the granting of a marriage license where either party is an habitual drunkard, epileptic, imbecile or insane, or where the applicant at the time of making application is under the influence of any intoxicating liquor or narcotic drug.

Va. '03 ch.427 (ex. sess.) makes new provisions as to issuing marriage license and prohibits also marriage of a woman with the husband of her brother's or sister's daughter.

¹ See also Index of Legislation, 474.

Divorce

Alimony. Division of property. N. Y. '04 ch.318 amends C. C. P. §1772 relating to enforcement of a judgment for divorce or separation rendered in another state, on the ground of adultery, on which an action has been brought in New York and judgment rendered therein, requiring husband to provide for wife's support and the education and maintenance of the children; other security failing, his property may be sequestered, and placed in the hands of a receiver. N. Y. '04 ch.399 amending C. C. P. §1771 relative to the support of the plaintiff wife after final judgment in an action for divorce, gives power to the court to annul such final judgment on proof of remarriage of plaintiff.

Soliciting divorce business. Va. '03 ch.374 (ex. sess.) makes it a misdemeanor with pecuniary penalty and disbarment to solicit divorce business.

Trials. Procedure. Ala. '04 ch.489 limits right of appeal in divorce cases to 60 days from date of decree and forbids either party to marry within such period or during the pendency of the appeal.

Va. '03 ch.406 (ex. sess.) amending C. §3207, 3208, requires publication of notice on person not residing in the state to be in a newspaper published in the city or county where the proceedings are held.

Family property

Dower. Curtesy. Ia. '04 ch.121 amending C. §3376, provides that the court may elect for the surviving insane spouse whether to accept a distributive share of an estate, under a will.

Md. '04 ch.151 amending C. art. 45, §7, provides that the statute and common law of the state as to wife's dower is to be applicable to and known as the husband's dower unless such construction would be unreasonable.

Va. '03 ch.460 (ex. sess.) empowers the court, on bill filed, to decree a sale of the real estate of a tenant by the curtesy or in dower, and to invest the proceeds for the benefit of the parties interested.

Property rights of married women. N. J. '04 ch.21 authorizes any married woman having power to sell real estate as executrix, administratrix, trustee or guardian to make conveyance thereof without joining her husband therein, in the same manner as if she were feme sole. N. J. '04 ch.192 authorizes any married woman to convey, assign, release, discharge or receipt for her personal

property without the concurrence of her husband, with provision for recording, after acknowledgment, in the same manner deeds of real estate are acknowledged.

Rights when wife or husband is insane. Ia. '04 ch.495 amending C. §3167, 3169, provides that on the insanity of either spouse the other may petition for leave to convey or mortgage the insane party's interest in real estate, and on hearing such petition, the court may enter a decree authorizing such deed or mortgage.

Support of family. Md. '04 ch.44 amending C. art. 27 §47A relating to desertion of wife or child, makes such desertion a misdemeanor punishable by fine, imprisonment or both, and authorizes the court to suspend the sentence and to place the defendant on probation for one year on his entering into a recognizance to make certain weekly payments to the wife, the recognizance to be void if forfeited.

N. J. '04 ch.166 amending '80 ch.95, '01 ch.125, makes neglect of minors by any person having control of them a misdemeanor punishable by fine, and authorizes the court to suspend the judgment on defendant's entering into a bond to make certain stipulated weekly payments to a humane society for such minor's care during minority *or for such shorter term as the said justice or magistrate may direct.* N. J. '04 ch.202 amending '03 ch.216, makes it a misdemeanor to desert wife or minor child (formerly, and to leave the state) punishable by fine or with or without hard labor, not to exceed one year.

Va. '04 ch. 111 makes it a misdemeanor punishable by imprisonment not exceeding one year to desert wife or minor children without just cause, or wilfully to neglect to provide for them; but the court may order defendant to make weekly payments for not more than one year for their provision or may release him on probation with or without sureties. In case of subsequent failure to provide the defendant may be tried or sentenced, and the forfeiture under the recognizance may be applied for such provision. Exclusive original jurisdiction is given to the Corporation or Hustings Court in cities and to the Circuit Court in counties.

Children: adoption, custody, legitimation. Mass. '04 ch.163 amends R. L. ch.145 §4 relative to the custody of minor children by requiring the consent in writing of the parent or parents to an order that a guardian shall have the custody of a child. Mass. '04 ch. 302 amending R. L. ch.151 §2 relative to the adoption of children adds that illegitimacy shall not be expressly averred on the record.

Va. '03 ch.430 (ex. sess.) amends C. § 2552 by providing that the child of parents, one or both of whom were slaves during cohabitation, recognized by the father as his child and whose mother he recognized as his wife, shall inherit from the father as though born in lawful wedlock.

Change of name. Ala. '03 ch.438 makes it a misdemeanor punishable by fine not to exceed \$500 for any person, except as provided by law, to change name with intent to defraud, to avoid payment of debt or to conceal identity.

Ia. '04 ch.127 revises the laws regulating change of name. It provides for a statement under oath that the affiant has been a resident of Iowa for not less than one year. The statement shall also give residence and changes thereof for last five years; place and date of birth and of immigration, if an immigrant; name of parent; height; color of eyes and hair; cause for change of name; and a concise description of all his real estate. A confirmatory affidavit by a freeholder of the same county is also required. The statement shall be recorded, and the affiant's real estate shall be reindexed.

Md. '04 ch.25 amends C. art. 16 §95 relating to procedure for change of name. A petition must be filed stating the change desired and reasons therefor, on hearing of which the court may decree such change. Such a petition may be filed on behalf of any infant residing in the state by the father or mother, or if dead, by the guardian.

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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25f

GENERAL CORPORATION LEGISLATION

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The legislation of 1904 contains little that is of wide-reaching importance regarding the organization and conduct of corporations generally, or of "business corporations" in particular.

The Legislature of **Virginia** had already in 1903 passed a very complete and carefully framed statute ['03 ch.270] concerning stock corporations, with special provisions as to banks, insurance companies and a few other classes. It had created a "corporation commission" for enforcing this law, and had likewise given the commission extensive power over railroads and other public service corporations¹. During 1904 the state adopted an elaborate law ['04 ch.609] regulating public-service corporations, specially in their external relations, the matter of their internal organization and administration being covered by the statute of 1903. The act applies to railroads, street railways, canals, steamboats, express, telegraph and telephone service, heat, power, light, gas and water supply, cold storage, and concerns operating bridges or conduits. A further statute regulates the exercise of the right of eminent domain by such corporations ['04 ch. 608]. All of the provisions of these two laws fall properly under other sections of this Review. It is sufficient to point out here that Virginia is undertaking her corporation legislation with unusual seriousness and progressiveness, and that her new laws are among the best to be found in this country in their combination of extensive corporate powers and autonomy as to internal details on the one hand, with extensive legislative and administrative regulation by the state for the protection of investors and the public on the other hand.

Another extensive enactment is the new general incorporation law of **Alabama** ['03 ch.395]. This state had formerly a dozen or more titles in its code concerning as many classes of corporations. Most of these titles contained extensive provisions as to the method of incorporation and government. This arrangement, which persists in many states, caused much needless repetition, but on the

See Review of Legislation, 1903, 11-18.

other hand left many needless differences among the laws. The present statute includes all classes of stock corporations, the more general provisions applying to all alike, while special provisions cover the peculiar conditions of particular kinds of corporations, such as banks, insurance companies, railroads etc.

In a general way the Alabama act follows the lines of the previous legislation of this state. In some measure, however, it increases the scope of corporate activities, and grants the corporations greater autonomy in their organization and administration. Almost nothing has been added in the way of restrictions for the protection of investors or other persons affected by the action of corporations. Among the new provisions are the following: meetings of directors may be held outside the state, and so may stockholders' meetings provided all the stockholders living in Alabama consent. But the corporation must have a "principal office" and agent in the state, with whom must be filed copies of the records of all meetings of directors or stockholders. Corporations may hold the securities of other corporations wherever they may be organized, except that no telegraph or telephone company shall acquire a controlling interest in the stocks of another such company. The new law authorizes consolidation of two or more corporations regardless of the character of their business, but banks and insurance companies shall not consolidate except with companies doing the same class of business, and parallel railroads may not consolidate. The procedure provided for consolidation, as well as that for voluntary dissolution, presents no unusual or interesting features.

By the former law of Alabama the amendment of articles of incorporation required a vote of three fourths of the entire number of stockholders and of two thirds of the shares. This unusually large proportion now gives place to the opposite extreme; a bare majority of the number of shares being sufficient to adopt an amendment. Formerly proxy-voting could be provided for by the charter or by-laws of a corporation; by the new law it is the privilege of all shareholders without such special provision.

The new statute of Alabama follows the old with respect to the method of paying for stock. Another important provision taken from the former law gives stockholders the right to examine the books, records and papers of the corporation, a privilege not accorded by the laws of some of our leading states.

The general corporation law of **Arizona**, which has heretofore been very much lacking in details, as compared with the laws of the

eastern states, has been made slightly more precise by an amendment of recent date ['03 ch.88]. In addition to the very limited contents formerly prescribed for articles of incorporation, they must now set forth the amount of stock and the time and conditions of payment for it; the designation of the officers and the time of their election; the limit of authorized indebtedness or liability; and whether the property of shareholders is to be exempt from corporate debts. This last provision is somewhat unusual, the customary practice being to declare by statute that stockholders are not liable except for unpaid subscriptions.

The corporation laws of **Kentucky**, which had already authorized the classification of shares, were amended in 1904 ['04 ch.105] by establishing the procedure to be followed by a corporation having only common stock in order to convert part of it into preferred stock. The consent of two thirds of the shares is required. There is no restriction as to the proportion of the different classes of stock.

One of the most important corporation measures of 1904 was that passed by **New Jersey** ['04 ch. 143] regarding the liability of directors for the payment of unearned dividends and the consequent impairment of capital. Formerly in this state the directors responsible for the declaration of such dividends were liable to stockholders, as well as to creditors, to the full amount of the dividends paid otherwise than from surplus or net earnings. The amendment makes the directors liable to stockholders only to the "full amount of any loss sustained by such stockholders" by reason of such dividends; and in case of insolvency the liability to creditors is limited to the amount of loss sustained by the corporation. Though the amended provision is more stringent than those found in many states where stockholders have no recourse against such abuses, the change is likely largely to destroy the effectiveness of the provision because of the difficulty of proving the exact amount of loss sustained by the stockholders or the corporation on account of the payment of unearned dividends. The simplicity of the former rule made it effective. Having recently been upheld by the courts of New York and New Jersey in important suits against the American Malting Co., the former statute bade fair to check in some measure the too common practice of paying dividends out of capital in order to inveigle investors into buying shares at inflated values from directors and promoters of corporations.

In **New York** an amendment to the general corporation law ['04 ch.737] permits the members of a corporation through by-laws

to fix a quorum of the board of directors at less than a majority—the previous limit—but not less than one third of their number.

A **Louisiana** amendment ['04 ch.18, virtually amending 1890 ch.36] permits corporations organized under general law to carry on different branches of business, whether related or not, but this does not apply to banking, insurance or business involving the exercise of eminent domain.

In **South Carolina** the law formerly gave to foreign corporations the same privileges as were granted to citizens of other states or foreign countries. This has been amended ['04 ch.247] so that such corporations have the same powers as domestic corporations of the same class.

Other legislation of 1904 with regard to general corporations was unimportant in character, and the same is true of the legislation regarding corporations not for profit.

COURTS AND PRACTICE OF LAW ¹

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Courts

Tenure and term. During the period under review the only measure of importance affecting the tenure of judges was the amendment proposed to the Constitution of Louisiana ['04 ch.137] which was adopted in November last. Under the provisions of this amendment the justices of the Supreme Court are to be elected instead of being appointed by the governor with the consent of the Senate. A vacancy in the office of a Supreme Court justice is to be filled by the selection by the court of a judge of one of the Courts of Appeal who holds till the next congressional election when the vacancy is filled by election. Further evidences of the tendency, which has appeared in Louisiana since the adoption of the Constitution of 1898, to substitute elective tenure for appointment by the governor, are to be seen in four other constitutional amendments ['04 ch.138-41] proposed at the same session and adopted in November 1904, which provide that vacancies in the offices of sheriff, clerk of the District Court, district attorney, and judge of the District Court respectively shall be filled by special election if the unexpired portion of the term exceeds one year. Formerly the vacancies had been filled for the remainder of the term by appointment by the governor.

During 1904, the only legislation of importance affecting the term of judges was the adoption in Colorado of the constitutional amendment, proposed in 1903, which increases the term of judges of the Supreme Court from 9 to 10 years ['03 ch.73].

Compensation. During 1904 a few examples appeared of the tendency to increase judicial salaries which was noticed in the last Review. Georgia ['04 p.72] increased the salaries of judges of the Supreme Court from \$3000 to \$4000 and of judges of the Superior Court from \$2000 to \$3000 but, in accordance with the provisions

¹ See also Governors Messages and Index of Legislation, 590.

of the Constitution [art. 6 § 13 ¶ 2] the increases will not apply to the judges now in office till the expiration of their present commissions. By the same act each of such judges is forbidden, under penalty of impeachment, to receive for himself or any member of his family any pass or other favor, not enjoyed by the general public, from any railroad, express, telegraph or telephone company or similar quasi public corporation. In Mississippi, Governor Vardaman recommended [Governors Messages, 60rd] the increase of judicial salaries so "that the best legal talent of the state may be transferred from the bar to the bench, without personal pecuniary sacrifice," but no legislative action resulted. In Ohio, the salaries of the judges of the Supreme Court and Supreme Court Commission, which were increased in 1900 from \$4000 to \$5000 and in 1902 to \$6000 were again raised in 1904 ['04 p.556] to \$6500. By the same act the salaries of the judges of the Common Pleas and Superior Courts, payable out of the state treasury, were increased from \$2600 to \$3000 and provision was made for an additional salary for each of such judges, varying according to the population of the county in which he resides, but not to be less than \$1000 nor more than \$3000, payable out of the treasury of the county or counties forming the judicial district in which he has jurisdiction. Another act passed at the same session ['04 p.530] increased the salaries of judges of the Circuit Court, payable out of the state treasury, from \$4000 to \$6000 but provided that such judges should no longer receive any additional compensation out of any county treasury. As against the general tendency it is to be noted that in Wyoming, the constitutional amendment, proposed in 1903 ['03 p.152], which provided increases in the salaries of judges of the District and Supreme Courts, was rejected by the people in November 1904.

The increase in the compensation of judges is designed to attract a high grade of legal ability to the bench. In some states provision for judicial pensions contribute to the same result. In Maryland, this principle was adopted in an act ['04 ch.236] which provides an annual payment of \$2400 for judges of the Court of Appeals, Circuit Courts and the Supreme Bench of Baltimore city, who shall attain the age of 70 years while in office after having served the 10 preceding consecutive years. Judges who have served 15 consecutive years are entitled to the pension when they reach the age of 70 years though no longer in office at that time. The benefits of the pension apply to former judges no longer in office who have attained the age of 70 years, irrespective of length of service.

Supreme court. During the period under review the necessity for relieving the overcrowded dockets of the Supreme Courts in several states led to provisions for increases in the number of judges and for the division of the court into sections for facilitating the determination of cases. In Alabama ['03 p.493] the number of associate justices of the Supreme Court was increased from four to six and provision was made for sections of the court each consisting of four judges to be constituted from time to time by the chief justice who, so far as practicable must be a member of all sections. A section can not modify a former adjudication of the court without consultation with the court as a whole and whenever a judge dissents from a decision of a section the case must be determined by the court *en banc*. In Colorado, an amendment to the Constitution, proposed in 1903 ['03 ch.73] and adopted in November 1904, increases the number of judges of the Supreme Court from three to six and authorizes the court to sit in divisions. The same amendment abolishes the existing Court of Appeals. During 1904 the New York Legislature proposed a number of constitutional amendments which are designed to relieve the overcrowded calendars of the Supreme Court [*see below*, "Other intermediate courts"]. One of these ['04 p.1936] contains provisions affecting the Court of Appeals which, in New York, is the highest court. It proposes to authorize the Legislature to increase the number of judges of the Court of Appeals not to exceed a total of 11, provided two thirds of the members of each branch of the Legislature agree to such increase. If the amendment is adopted the Legislature will also have the power to provide for two divisions of the court and to fix the quorum and the number whose concurrence shall be necessary to a decision. On the other hand it is to be noted that an amendment proposed in 1903 in Arkansas ['03 p.482] increasing the number of associate justices of the Supreme Court from four to five was rejected by the people in 1904.

Intermediate appellate courts. After a contest extending over six years California has adopted the plan of intermediate courts of appeal. The constitutional amendment proposed in 1903 ['03 p.737] which was adopted in November 1904, divides the state into three judicial districts, each presided over by a District Court of Appeals consisting of three judges elected for terms of 12 years. The jurisdiction of these courts and the resulting modification of the jurisdiction of the Supreme Court were described in the Review for 1903. The existing Supreme Court Commission is abolished by this amendment. In Louisiana there are five intermediate Circuit

Courts of Appeal in addition to one whose jurisdiction is limited to the city of New Orleans. Article 99 of the Constitution adopted in 1898 provides that after July 1, 1904, each of these five courts shall be composed of two District Court judges to be designated by the Supreme Court. Governor Blanchard stated [Governors Messages, 601b] that the bench and bar, with practical unanimity, concur in the view that the courts as thus constituted will not meet the requirements of the situation and that the demand is strong and urgent for a more satisfactory intermediate appellate court between the District Court and the Supreme Court. Later, he sent a special message [*ibid.* 601c] urging the adoption of certain constitutional amendments which were intended to remedy the situation. The Legislature ['04 ch.2] made provision for securing statistics relative to the number of cases filed, dismissed, decided and still pending in the Circuit Courts of Appeal. This information must have been convincing as the Legislature by the necessary two thirds vote submitted an amendment ['04 ch.132] to the Constitution which proposed to reduce the number of Courts of Appeal to three. A few parishes were to be included in the jurisdiction of the Circuit Court of Appeal for New Orleans. The remaining parishes were to be divided into two circuits and each circuit into three districts. Each district was to elect one judge of the Circuit Court of Appeal. This amendment, however, was rejected by the people in November 1904. In Colorado, as noted above, the adoption in November 1904, of the constitutional amendment, proposed in 1903 ['03 ch.73] abolished the Court of Appeals of that state.

Supreme court commission. No new supreme court commission was created during the period under review and, as a result of the adoption of the constitutional amendment in California ['03 p.737] creating three Courts of Appeals, the Supreme Court Commission of that state has been abolished. In New York, however, there appears a tendency to apply the principle to trial courts. Under a constitutional amendment ['04 p.1933] which was referred to the next Legislature, the Court of Appeals may authorize the appointment of a number of trial commissioners for any county with a population of over 500,000, in which, on account of the accumulation of business, unpreferred causes on the trial calendar can not be reached for trial in due course within one year. The necessity for such action must be certified by the appellate division of the Supreme Court of the department in which such county is embraced and, after authorization by the Court of Appeals, such appellate division appoints the number of trial commissioners for such term,

not exceeding six years, as has been authorized. The trial commissioners are given the powers of a justice of the Supreme Court so far as applies to the trial term calendar and settlement of cases on appeal but their jurisdiction is limited to the county for which they are appointed. However, another amendment, proposed at the same session ['04 p.1938] will, if adopted, authorize the appellate division of the department to designate one or more of such commissioners to hold trial terms of the Supreme Court within said department.

Other intermediate courts. The above provision respecting Supreme Court commissioners in New York represents an effort to relieve the situation growing out of the overcrowded condition of the calendars in the 1st and 2d judicial districts of the Supreme Court to which attention was called in the last Review. The commission, authorized by the Legislature in 1902 [ch.485] to examine into the law's delays in these districts, made its report in 1904 [Governors Messages, 601e]. In addition to the above proposed amendments respecting trial commissioners, two other constitutional amendments respecting the Supreme Court were referred to the next Legislature. One ['04 p.1931] authorizes a justice of the appellate division, when not actually engaged in acting as such, to exercise any of the powers of a justice of the Supreme Court in any county or judicial district not embraced in the judicial department to which he may be designated. The other amendment, in addition to provision for increases in the number of justices of the Court of Appeals [*see above*, "Supreme court"], authorizes the Legislature, by a two thirds vote of the members elected to each house, to increase the number of justices of the Supreme Court. In this connection it should be noted that a constitutional amendment, proposed in 1902, repassed in the following year ['03 p.1452] and which will be submitted to the vote of the people in November of this year, authorizes the Legislature to increase the number of justices in any Supreme Court judicial district not to exceed one for each 60,000 or fraction over 35,000 of the population thereof except that in the 1st and 2d judicial districts the number shall not be more than one for each 80,000 or fraction over 40,000 of the population thereof. In addition to the proposed constitutional amendments, two acts were passed to facilitate the disposition of business at the trial term of the Supreme Court. Under the provisions of one act ['04 ch.474] the appellate divisions of the Supreme Court may provide rules for making up the calendar in each county of their respective depart-

ments and for the classification for purposes of trial, of actions placed on such calendar. The other act ['04 ch.500] provides that in counties in which there are two or more parts of the Supreme Court at trial term, one or more parts shall be reserved for the trial of actions on sales of personal property, including agreements incident to such sales, on policies of insurance and on negotiable paper.

In a number of other states legislation was enacted to facilitate the disposition of business by intermediate courts, generally by increasing the number of judges and rearranging judicial districts. In Alabama ['04 p.566] the number of judicial circuits was increased from 13 to 17 and a redistribution of the counties into circuits was made. Kentucky ['04 ch.14] redistricted its Appellate Court districts. In Louisiana an amendment to the Constitution was proposed ['04 ch.29] providing for two district judges instead of one in the first judicial district but this amendment met the fate of the one proposed at the same session, relating to Circuit Courts of Appeal, being rejected by the people in November 1904. Mississippi ['04 ch.82] increased its Chancery Court districts from seven to eight and rearranged the counties accordingly. In New Jersey an act ['04 ch.29] was passed increasing from three to four, the number of special judges appointed to hold the Circuit Court in the respective counties in the absence of a justice of the Supreme Court. Moreover, an important means of facilitating the business of the former courts is provided in an act ['04 ch.250] which vests in the Supreme Court the power of determining the county or counties which shall compose the several judicial circuits and of changing such composition from time to time, instead of having such determination made by legislative act. Governor Heyward of South Carolina called attention [Governors Messages, 601g] to the congested condition of the calendars of the Circuit Courts and criticized the provision, adopted in 1900 [ch.186] for special courts, on the ground that it is unwise so make a temporary judge out of a practising attorney. He recommended the abolition of the act for special courts and the creation of at least two additional circuits but the Legislature failed to respond with the requisite legislation. In Virginia, the Legislature at a special session, reorganized the Circuit Courts in accordance with the Constitution of 1902 and passed a series of acts to bring the statutes in conformity with such reorganization [Index of Legislation, 601e]. One act ['03 ch.495 (ex. sess.)] reenacts §94 of the Constitution which increases the number of judicial circuits from 17 to 24. Two other acts ['03

ch.401,515 (ex. sess.)) vest in the Circuit Court the jurisdiction formerly possessed by the County Court. In Florida, the constitutional amendment proposed in 1903 ['03 p.637] requiring a judge of the County Court to be an attorney at law was rejected in November 1904.

Municipal and police courts. In South Carolina, the right to establish municipal courts, which was restricted to cities possessing a population of over 20,000, was granted to cities between 4000 and 20,000 population ['04 ch.214]. In Virginia, under the provisions of §98 and 99 of the Constitution of 1902, the cities of the state were divided ['03 ch.433 (ex. sess.)) into two classes, the first class possessing a Corporation Court, the second class possessing only such municipal courts as were in existence at the time the Constitution went into effect, which courts may be abolished by a vote of a majority of the qualified electors of such cities. Another act ['03 ch. 542(ex. sess.)) provides that the Corporation Court shall appoint one police justice for each city of the first class whose charter makes no provision for a police justice.

Justices of the peace. In Virginia, an act ['03 ch.577 (ex. sess.)) was passed authorizing every city whose charter makes no provision for a justice of the peace, to elect one justice for a term of four years. Another act ['03 ch.385 (ex. sess.)) makes the state liable for one half of the unpaid fees in Justices Courts.

Public prosecutor. An Alabama act ['03 p.283] provides that a justice of the peace who is also county solicitor may not issue a warrant of arrest returnable to any court in which it is his duty to prosecute. Governor Jennings of Florida called attention [Governors Messages, 687a] to the necessity for more prosecuting officers and recommended a constitutional amendment creating a state's attorneyship in each senatorial district instead of each judicial district as at present. The Legislature failed to carry out this recommendation. A similar result attended the recommendation of Governor Montague of Virginia [*ibid.* 601h] that each commonwealth attorney be required to make periodical reports to the attorney general giving the style of every cause, civil or criminal, wherein the commonwealth is a party, together with the disposition of the case, in order that the people may "be enabled to know with what expedition the laws are enforced, and in what proportion crimes exist."

Practice of law

Admission to bar. During the period under review there was no important legislation affecting admission to the bar. A Virginia act

['03 ch.447 (ex. sess.)] permits persons over 19 years of age, who have studied law two years, to take the bar examination but no certificate to practise can be issued to such persons till they have attained the age of 21 years.

Attorney's lien for fees. Another Virginia act ['04 ch.147] provides that where a person, having a right of action sounding in tort or for unliquidated damages on contract, agrees with an attorney to prosecute the same, the latter shall have a lien on the cause of action for his fees which shall be binding on the opposite party after written notice thereof.

Practice. Limitations. In Kentucky, an act ['04 ch.20] prohibits clerical assistants in the Court of Appeals from practising law in such court. A Louisiana act ['04 ch.135] includes employees of the clerk or deputy clerk of the court, sheriff or deputy sheriff among those who are forbidden to appear or plead in any court of the state. In Mississippi ['04 ch.138] the law partner of a justice of the peace is forbidden to appear as attorney in any case coming before such justice, and another act ['04 ch.146] makes it unlawful for the partner of a district attorney to defend any person in any court when it is the duty of such district attorney to prosecute such person.

Taxation	Frank A. Fetter
Inheritance Tax	Max West

TAXATION¹

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To make comparison simpler we shall follow in general the order of the review of taxation in 1903, considering the general property tax, the separation of state and local taxes, changes in assessment, and exemptions; then under special forms of taxation other than the general property tax, first the few special forms of taxation of individuals, and second, special forms of taxation of corporations.

General property tax

Criticism and improvement. Four of the governors (New Jersey Oregon, West Virginia, Wisconsin) made taxation the subject of special messages to the Legislature. The governor of Oregon merely urged the need of revision in view of the "confusion worse confounded." The governor of Rhode Island recommended that as a basis for apportioning the state tax be taken the actual expenditures of the several towns and cities. The governor of Mississippi has nothing better to suggest in the way of improvement than the enactment of rigid laws enforcing full and complete assessment. The year ended, however, without any changes in the general property tax laws of the states other than the comparatively minor ones to be mentioned later under the heads of exemptions and corporations.

Separation of state and local taxation. The governor of West Virginia sent a special message to the extra session called to consider the subject, but no legislative action appears to have been taken. The governor of New Jersey expressed his doubts of the advantages of having no state tax, believing that the blessings and benefits of government would be more highly appreciated if every citizen were required to pay at least a poll tax. The principle of separation suffered in Iowa under a strong adverse decision

¹ See also Governors Messages and Index of Legislation, 800.

of the Supreme Court [*Layman v. Iowa Telephone Co.*, Ap. 1904] which strongly reaffirms the proposition that under the Constitution of Iowa there can be no separation of the sources of state and local taxation, and that telephone companies, as in this case, may not be exempted from local taxation on personalty while taxed for state purposes. To the same effect the Supreme Court of Nebraska decided that it is unconstitutional in that state to exempt personal property of foreign insurance companies [*State v. Insurance Co. of North America*, 100 N. W. 405]. This decision, while affecting immediately a very small amount of property, showed the difficulty, and indeed impossibility, of revising the old general property tax in some states under their present constitutions.

Central assessment. West Virginia provided ['04 ch. 15] for the reassessment of all real estate by one commissioner in each county. The plan of central assessment of some kinds of property by a state board made some progress. The governor of Florida recommended the creation of a state board of equalization, and the governor of Georgia called attention to the need of better equalization both in the counties and in the state. West Virginia created the office of state tax commissioner ['04 ch. 4] for the term of six years, salary \$4000, with \$1000 for expenses, no one to be eligible for reappointment. New Jersey ['04 ch. 180] gave to the state board power to correct assessments on application of property owners. Kentucky empowered the state railroad commissioners ['04 ch. 41] to assess railroad bridges spanning the state boundary line. Ohio ['04 p. 572] provided for the assessment of interurban electric railroads by a board consisting of the auditors in the group of counties in which the road lies, the apportionment of the total value among the counties to be by mileage; and also provided a state board of equalization for electric railroads. A setback was given to the method of central assessment in Utah by a decision of the Supreme Court [*State v. Eldridge County Assessor*, Ap. 1904] which interpreted the constitutional provision on local self-government as forbidding the central state assessment of public franchises situated wholly within one county, thus limiting the possible developments of franchise taxation in that direction.

Exemptions. New York ['04 ch. 438] extended to all the towns the requirement to report exempt property to the State Board of Taxation, so that it soon will have a complete list of the exempted property in the state. The exemptions from the general property tax as before fall under the five general classes of property or citizens as follows:

1 Exemption of public property. Ohio ['04 p.115] exempted public monuments and the land on which they stand.

2 Exemption of special industries or persons for the encouragement of certain businesses or acts. The governor of Louisiana recommended continuing for a period the exemption of newly built railroads for the term of 10 years. Maryland ['04 ch.212] exempted from the franchise tax savings banks with a capital of \$20,000. Virginia ['04 ch.148] exempted from the franchise tax telephone companies with less than \$5000 capital. California, at the November election, rejected the proposed constitutional amendment exempting ships and shipping.

3 Exemption of fraternal, charitable, educational and religious interests. The governor of Georgia recommended the exemption of college endowments. California, at the November election, adopted the constitutional provision exempting the California Academy of Sciences from taxation. South Carolina ['04 ch.252] exempted confederate veterans from business licenses. Virginia ['04 ch.100] exempted some persons conducting business at religious gatherings.

4 Exemption of tangible personal property to a limited amount. California in November adopted the constitutional amendment exempting personal property of householders to the amount of \$100. Oregon ['03 p.28] exempted the personal property of householders to the amount of \$300.

5 Exemption of credits and loans and other intangible personalty. Ohio ['04 p.652] submitted a constitutional amendment exempting state, local government and school bonds from taxation. Mississippi ['04 ch.94] exempted all bonds of levee districts of the state from all taxation within the state. New Jersey ['04 ch.112] amended the mortgage tax law (which had permitted the mortgagor to credit on interest payments for the amount of tax paid proportionate to the mortgage) by allowing the parties to agree that no deduction shall be made by reason of the mortgage. The governor of New York, in his message, discussed the inequalities in the administration of the existing mortgage taxation, but the Legislature took no action during the period under review.

Special forms of taxation

Special taxation of individuals. When the general property tax for state or local purposes is departed from, it is by imposing some special forms of taxation either on individuals or on corporations. Of the first kind, there are only to be noted a few business taxes

imposed by four of the Southern States. Alabama ['03 p.184] generally amended her revenue laws, the principal changes being in the details of some of the privilege or license taxes. Most important is the change of the license tax on express companies from the former basis of mileage to a uniform privilege tax of \$4000, with the permission of municipal licenses graded by population. Kentucky ['04 ch.54] removed the license tax from dealers in mineral waters and ['04 ch.129] on manufacturers of tobacco. Maryland ['04 ch.485] imposed on gipsies a license of \$50 for each county, and Virginia ['04 ch.69] a license of \$500 for each county. A decision of the federal court [191 U. S. 441, 1903] declared unconstitutional, as an interference with interstate commerce, the tax in North Carolina on the sale of sewing machines sent C. O. D. into the state.

Corporation taxes. The governor of Virginia speaks of the good results of the new corporation taxes in that state and the adequate revenues they have yielded. The governor of Florida urged a constitutional amendment authorizing a license tax on all corporate franchises. The governor of New Jersey notes the falling off of fees, resulting evidently from the more liberal laws of incorporation of neighboring states, notably New York.

Maryland ['04 ch. 212] removed the franchise tax of $\frac{1}{4}\%$ on deposits from savings banks with a capital over \$20,000 and receiving only time deposits. Kentucky ['04 ch. 66] provided for the assessment of the shares of national banks under the general property tax, in harmony with the federal statutes on this subject.

Only two measures affecting insurance companies appear to be of importance. South Carolina ['04 ch.274] imposed a tax of $\frac{1}{10}\%$ on the receipts of insurance companies, apparently in place of the general property tax on the gross receipts of foreign companies and on the total taxable property of domestic companies. New York ['04 ch.708] reduced from 2% to 1% the tax on premiums to be paid by life insurance companies organized outside of the United States on which a tax had not been paid in any other state. The decision referred to under separation of state and local taxation, shows the constitutional difficulty of substituting in Nebraska and some other states, a special corporation tax for the general property tax in the case of insurance companies.

The taxation of public service corporations shows a very few changes. The governor of Florida urged the need of taxing the franchises of such corporations, but no legislation appears to have resulted. Minnesota voted in November to increase the gross

earnings tax on railroads from 3% to 4%. Alabama ['04 p. 184], as noted under business taxes, changed the privilege tax on express companies, which by the law of 1893 was graded according to mileage, no local tax except on tangible property being allowed, to a state tax of \$4000, with the permission to localities to charge a privilege tax graded by population. The federal court [191 U. S. 171 (1903)] declared unconstitutional as a regulation of interstate commerce the law of Tennessee which imposed a car tax on sleeping cars.

To sum up, it may be said that the amount of important legislation on this subject was less in 1904 than in either of the two years preceding. In the summary of legislation on taxation appear only about one half as many items as in 1903, about a dozen of the some 130 subjects mentioned being judicial decisions and about 120 being legislative enactments. Nearly all of these are of a minor nature, affecting the duties of officers and the forms and modes of procedure rather than the principle of taxation.

The laws on general property taxes for state and local purposes remained almost unchanged. No steps were taken in the direction of the separation of the sources of state and local taxation which precept and practice have so strongly favored of late; two court decisions in western states move in the other direction. The compensation of local assessors and the modes of local assessment were not materially changed, but the plan of central state assessment made some advance. Exemptions were about as usual both in kind and in number, relative to the number of Legislatures in session, the most important items probably referring to intangible personalty. The changes in business taxes were of slight note and the innovations in corporate taxation were the least significant in many years; only a few measures were passed and not one appears to be of even second-rate importance.

Altogether the year 1904 was remarkably quiescent in matters of taxation. As compared with the year previous this is partly explained by the fact that only about one third of the number of Legislatures meet in the even year; but even as compared with 1902 the difference is striking. After a period of considerable activity in revision, the states apparently are stopping to observe the results and awaiting further light on the question. It is further noteworthy that not a single special state tax commission reported in the course of the past year.

INHERITANCE TAX¹

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The most important piece of inheritance tax legislation during 1904 was the passage of the Ohio statute ['04 p.398] imposing a tax of 2% on direct inheritances, in so far as they exceed \$3000. This takes the place of the ill-fated progressive direct inheritance tax of 1894, which was declared unconstitutional by the state Supreme Court the year after its adoption;² and in order to avoid the broadly construed provisions of the Ohio Constitution relative to taxes on property, the new law is prudently designated "an act to impose a tax upon *the right* to succeed to, or inherit, property." The tax applies to the decedent's parents, husband or wife, brothers and sisters, nieces and nephews, lineal descendants, adopted children and their descendants, sons-in-law and daughters-in-law; more distant relatives being subject to the collateral inheritance tax of 5%.

There is a discount of 1% for each full month payment is made prior to the expiration of a year from the decedent's death—an exceptionally strong inducement to pay promptly. If the tax is not paid into the state treasury within one year after the decedent's death, interest is thereafter charged at the rate of 6%; and after 18 months it is the duty of the prosecuting attorney of the county, on the direction of the attorney general and information of the auditor of state, to institute the necessary proceedings for collection.

Within 10 days after the filing of the inventory, the probate judge is required to forward a copy to the auditor of state, with the appraisal of the estate. Executors, administrators etc. are required to inform the probate judge regarding real estate subject to the tax. The actual market value of the property is to be determined by the Court of Probate, which, on the application of the state or any interested party, will appoint three appraisers and fix their fees. The value of annuities and life estates is to be determined by the actuaries' combined experience table, at 5% compound interest. The fees of probate judges and of appraisers are to be paid by the auditor out of the taxes received.

The West Virginia collateral inheritance tax was elaborated ['04 ch.6] by distinguishing three classes of taxable relatives. In place of the former uniform rate of 2½%, the decedent's brothers and sisters now pay 3%, his grandparents 5%, and more distant

¹See also Governors Messages and Index of Legislation, 836.

²See Journal of Political Economy, 6:438 (Sep. 1898).

relatives and strangers $7\frac{1}{2}\%$. Bequests for public purposes are exempt; but the former exemption of estates of less than \$1000 is omitted from the new law. The administrative provisions are also much changed and elaborated. The tax is made payable to the state treasury on the assessment of the state tax commissioner, to whom quarterly reports are made by the clerks of the county courts. Double taxation by conflicting jurisdictions is avoided by reciprocal provisions.

The Louisiana Constitution of 1898 authorized the Legislature to levy, for the support of the public schools, a tax on inheritances, legacies and donations, not to be enforced when the property donated or inherited has borne its just proportion of taxes prior to the time of such donation or inheritance. The rates were limited to 3% for ascendants and descendants, and 10% for collaterals, with exemptions in favor of amounts less than \$10,000 going to ascendants or descendants, and bequests to educational, religious and charitable institutions. The Legislature has now ['04 ch.45] faithfully carried into effect these provisions of the Constitution by imposing such a "special inheritance tax" at the maximum rates. It is made the duty of probate judges to require satisfactory proof that an estate is not liable to the tax before placing the heirs in possession. In cases where the tax appears to be due, it must be paid to the tax collector of the parish, and the receipt presented to the judge. It is made the duty of parish school superintendents (and of the president of the school board in New Orleans) to see that the act is carried out, and they may call on district attorneys to take legal proceedings to enforce it. The resultant funds are not to be budgeted against till the end of the year, "this being an uncertain and contingent source of revenue."

The Iowa collateral inheritance tax was amended ['04 ch.51] by the introduction of discriminating rates against nonresident aliens, who are now taxed 20% (four times the usual rate), except that if they are brothers or sisters of the decedent the rate is 10%.

In Maryland the lien of the collateral inheritance tax was limited to four years ['04 ch.222]. Governor Bates of Massachusetts recommended the extension of the inheritance tax to direct heirs, but the only change adopted by the Legislature was one relating to the settlement of taxes on the interest of unascertained persons taking property under power of appointment ['04 ch.421]. The treasurer of Porto Rico introduced a bill increasing and extending the Hollander inheritance tax, but this feature of his comprehensive reform was not adopted.

LIQUOR LEGISLATION^a

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During the past year, legislation affecting the excise question has been enacted in 12 commonwealths. Many of these laws were of minor importance, being in most instances amendments of a correctional or explanatory nature.

In Alabama there were but two enactments: one prohibits the sale of liquor on Sunday, provides penalties for a breach of the law, and declares that any judge of probate who issues a license within two years, to one convicted of Sunday selling, shall be guilty of a misdemeanor;¹ the other prohibits the sale of liquors in towns where a dispensary is in operation.²

There were also but two pieces of excise legislation in Georgia: one authorizes the proper authorities of each city, town and county to grant licenses to the manufacturers of domestic wines, to sell the same in quantities not less than one quart, and not to be drunk on the premises where sold, and makes such sale without a license, a misdemeanor;³ the other amends C. § 1541 in regard to the petition, and proceedings thereon, in elections for or against the sale of liquor.⁴

In Iowa a "bootlegger" is legally defined, and penalties provided for such a person.⁵ C. § 2406 is amended in respect to actions for the suppression of illegal sales of intoxicating liquors,⁶ and § 2437-38 relating to the mulct tax and the payment of the same.⁷ An act was also passed providing for the establishment, operation and management of a state hospital for inebriates.⁸

Of the two excise acts passed by the Kentucky Legislature, one amends '02 ch.128 art.10 § 25, by reducing the sum paid for a hotel license, from \$235 to \$160;⁹ the other prohibits under penalties the wholesaling of intoxicating liquors in local option districts except by manufacturers.¹⁰

In Massachusetts R. L. ch.100 § 86 was amended by abolishing fees for a complainant against police officers failing to enforce the excise laws.¹¹

In New Jersey an act was passed supplementing '03 ch.189, providing that excise boards in cities of the first class may appoint two license inspectors and prescribe their duties.¹²

^aSee also Governors Messages and Index of Legislation, 900.

The only legislation on this subject in Mississippi, is an act amendatory of Ann. C. '92 §1610, which prohibits local option elections within two months of any general or local election, including a primary election, requires the petition therefor to remain on file 30 days before being considered, provides for withdrawing the same, and fixes the time within which another may be presented.¹²

In New York two amendments to the liquor tax law were passed: one relates to special agents and their salaries;¹⁴ the other provides that the liquor traffic may be carried on within 200 feet of a church, on obtaining the consent of the church corporation.¹⁵

In Ohio, an act was passed providing for the disposal of the surplus liquor tax not used for the support of a city infirmary,¹⁶ and also an act providing for local option elections in residence districts of municipalities. Manufacturers however, may notwithstanding such vote sell their products both to retail and wholesale dealers who reside without the prohibited district. Two years must intervene between local option elections, and the validity of any such election may be contested, if proceedings are instituted within 10 days.¹⁷

In Oregon a law was proposed by initiative petition and adopted June 6, 1904 providing for local option throughout the state. By the provisions of this law the people of each county or district thereof, may on a petition signed by 10% of the registered voters of the territory affected, vote as to all traffic in liquor therein, except the sale of alcohol for scientific or manufacturing purposes, or wines for sacramental purposes, or liquors sold only on physicians' prescription. These elections may take place every two years; but when prohibition has been carried for an entire county, no election can thereafter be held in any subdivision or precinct thereof, till after prohibition has been defeated at a subsequent election for the same purpose, held for the entire county. Heavy penalties are provided for sales in prohibition localities; provision made for the prosecution of offenders, and the rules of evidence of a violation of law prescribed.

The only excise legislation enacted in South Carolina, consisted of an amendment to '96 ch.61, relating to county dispensaries. The noticeable features of this amendment are as follows: giving the county board of control certain discretion as to locating dispensaries; prohibiting the establishment of dispensaries where the sale of alcoholic liquor was forbidden prior to July 1, 1893 unless already established therein; fixing a tax on counties voting to remove or close dispensaries and providing for the disposal of excise funds.¹⁸

Virginia seems to have been quite prolific in excise legislation during the past year, producing no less than six laws on that subject. Besides these, four others enacted at a prior session of the Legislature, and not included in the last Review, are also to be considered at this time. The first of the last mentioned merely makes some changes in C. § 581, 585, as to local option elections in towns.²⁰ The second provides that where 15 or more qualified voters of a county, corporation or district, make complaint that a local option election was invalid or the return thereof false, the contest shall be determined by the Circuit Court, or Corporation or Hustings Court of the city or town where the election was held.²¹

By another act, a person who has been licensed by the County or Circuit Court but has been refused a license by the town council, may recover from the auditor of public accounts, the amount paid by him for such license.²² The last of these enactments relates to the sale of liquor by social clubs. The act provides for a yearly tax of \$2 on each member of a club trafficking in liquor, which payment shall be in lieu of a license. Sales to outsiders are forbidden and the club may not be located in the same building where there is a duly licensed bar. The membership list must be filed monthly with the clerk of the county or corporation. An entrance fee of not less than \$10 and dues not less than \$1 a month must be charged all members. The club must close on Sunday. No liquors can be sold by clubs located in any county, city, town or district in which local option or dispensary laws prevail.²³ This law was still further amended at the 1904 session. A license is provided at the rate of \$2 for each person who has been a member of the club, but not exceeding \$350 in all. The list of members is to be filed annually. Sunday selling, games of chance and slot machines are prohibited under severe penalties, and in addition the charter and license of the corporation is forfeited.²⁴ The remaining acts of the 1904 session are as follows: one amends C. §585 in reference to holding subsequent local option elections.²⁵ Another defines the jurisdiction of the County Courts in enforcing the liquor laws.²⁶ A third permits a licensed liquor dealer to continue to traffic in intoxicants for 90 days after the establishment of a dispensary or a no license vote in the district where he resides, for the purpose of disposing of his stock; this act also makes provision for refunding money to liquor dealers who are deprived of their licenses by local option elections, or the establishment of dispensaries.²⁷

Another act amends '03 ch.148 §144 relating to liquor licenses. It prohibits the manufacture, distilling or rectifying of any liquors other

than wine, or selling any intoxicants, without a license; provides for the granting of licenses; requires an application and bond; allows an appeal to the Circuit Court from refusal or granting of a license by the County Court; defines an ordinary; and penalizes sales without a license. The form of license is to be prescribed by the auditor of public accounts, which license must be posted in a conspicuous place on the premises, and a failure to do so subjects the offender to a fine not exceeding \$100. Druggists can not sell liquor without a license, and sample liquor merchants must also pay a tax. No license can be transferred to or used by any other person than the licensee. The sale of wood alcohol as a beverage is forbidden, as is also Sunday selling or sales to persons under the age of 21. A violation of these provisions is made a misdemeanor and revokes the license.¹⁹ The last of the excise acts amends C. §3804, by prohibiting the opening of places where liquor is sold, or the sale of the liquor between 12 o'clock Saturday night and sunrise Monday morning. The penalty for a violation of the act includes a fine of not less than \$100, nor more than \$500, and in addition the revocation of the license.²⁰

¹Ala. '03 p.64

²Ala. '03 p.373

³Ga. '04 p.98

⁴Ga. '04 p.62

⁵Ia. '04 ch.84

⁶Ia. '04 ch.82

⁷Ia. '04 ch.83

⁸Ia. '04 ch.80

⁹Ky. '04 ch.87

¹⁰Ky. '04 ch.76

¹¹Mass. '04 ch.122

¹²N. J. '04 ch.162

¹³Miss. '04 ch.147

¹⁴N. Y. '04 ch.348

¹⁵N. Y. '04 ch.485

¹⁶O. '04 p.286

¹⁷O. '04 p.87

¹⁸S. C. '04 ch.276

²⁰Va. '03 ch.361 (ex. sess.)

²¹Va. '03 ch.328 (ex. sess.)

²²Va. '03 ch.468 (ex. sess.)

²³Va. '03 ch.517 (ex. sess.)

²⁴Va. '04 ch.116

²⁵Va. '04 ch.3

²⁶Va. '04 ch.207

²⁷Va. '04 ch.165

²⁸Va. '04 ch.579 (ex. sess.)

²⁹Va. '04 ch.249

PUBLIC HEALTH AND SAFETY¹

CHARLES V. CHAPIN M.D. SUPERINTENDENT OF HEALTH, PROVIDENCE R. I.

There was very little important legislation in 1904 relating to sanitary affairs. Few changes were made in the organization of state or local boards of health though the authority of the former was extended in several instances. There was not much legislation in regard to communicable diseases, except tuberculosis, which still holds a leading position with the lawmakers. It is noticeable that the mosquito now receives some legislative attention particularly in New Jersey. There was less legislation than for several years concerning licenses for physicians, pharmacists, embalmers, plumbers, etc. One or two important acts were passed relating to theater protection and the control of floods.

General supervision. In Kentucky ['04 ch.34] the State Board of Health is to consist of eight instead of seven members; one homeopath, one eclectic, one osteopath and the others "regular." The members are to be nominated by their respective societies and the secretary of the board is to be a member of it. The Alabama health law was amended in many particulars ['04 ch.499]. There is now to be a state health officer appointed by the State Medical Society which is the State Board of Health.

State boards of health though at first intended as merely advisory bodies, have continued to take on administrative duties. In this class is included the maintenance of **bacteriological laboratories**. Though these often do considerable research work, thus carrying out the purpose for which state boards of health were primarily established, their chief function is to assist physicians and health officers in the diagnosis of disease, or in determining the presence of infection, thus aiding directly in the control of the communicable diseases. Quite a number of the state boards have established laboratories, some with, and some without legislative sanction. Among the former are Maine ['03 ch.223], New Hampshire ['01 ch.23] and Vermont ['01 ch.70]. Last year Iowa ['04 ch.101] provided for bacteriological work of this kind. The bacteriological laboratory of the medical department of the State

¹See also Governors Messages and Index of Legislation, 930.

University was utilized as a nucleus, and \$1000 was appropriated for additional apparatus, and \$5000 biennially for increased expenses. The laboratory is required to do such work as may be required by the State Board of Health.

The production of **vaccine virus and antitoxins** is a function which it is thought by many ought to be performed by the state board of health. But whenever this is urged before a legislative body, state or municipal, the private manufacturers of these products may be expected to use every means to defeat the proposition. New York and Massachusetts ['03 ch.480] now manufacture antitoxin, but last year New Jersey ['04 ch.232] provided that the State Board of Health should contract with some manufacturer to furnish diphtheria antitoxin for indigent persons at a cost not to exceed \$4000 per annum. The governor of Maryland urged sufficient appropriation for furnishing the best and purest vaccine virus in ample amount.

Very little reference was made during the year to **local sanitary organization**. In Kentucky ['04 ch.35] the State Board of Health is now required to appoint three "physicians," instead of three "citizens," to serve on the county board of health. In Louisiana ['04 ch.184] a municipal council may not elect one of its own members to membership on the board of health, and three members of the board must if practicable be registered physicians. The term of office is made four years. In Ohio ['04 p.460] cities may require the "board of public service" to act as the board of health. In Alabama ['04 ch.499] the county boards of health (which are the county medical societies) are to appoint a health officer for each incorporated city or town. This act also fixes the salaries of the county health officers, graded according to population.

In New York ['04 ch.484 § 20] all cities, except those otherwise provided for by special acts, are required to have a health officer. He must be a physician and is to be appointed by the local board of health. The state commissioner of health had by a previous act ['01 ch.29] been directed to appoint on recommendation of the local board of health, a health officer in each municipality (except cities). By the present act the state commissioner of health is given full control of the appointment in case the local board fails to nominate, or nominates an unsatisfactory person. In Virginia the circuit and corporation judges had been required to appoint county and municipal boards of health on recommendation of the county or local medical society. The judges are now required to appoint a board of health in all counties and corporations where *there is no medical society* ['04 ch.35].

Vital statistics. Iowa ['04 ch.100] has enacted a new registration law with many excellent provisions. The State Board of Health is the central bureau, the health officers are the local registrars, and the appointment of subregistrars is provided for. For deaths the essential requirement is made that no body shall be buried or removed from the state without a permit from the registrar. Births must be reported by the physician or parent, within 10 days. This statute and also an amendment to the New York law ['04 ch.392], provides that when a child is not named at the time the return of birth is made, a supplementary return giving the name, is to be filed as soon as the child is named. In the Iowa law this must be done by the physician; in the New York law by the parent. In Iowa it is provided that the United States standard form of birth and death return shall be used. Local registrars are to record births and deaths and send the originals each month to the state board. A fee of 25 cents is provided for the registrars for each return forwarded to the central office, but physicians receive no fee for reporting births. In West Virginia the county clerks are made local registrars instead of the assessors.

Licensing of physicians. South Carolina ['04 ch.292] and Kentucky ['04 ch.34] revised their laws relating to the practice of medicine, making many changes; other than these there were no general laws on this subject. Osteopathy received attention in various states. In Kentucky ['04 ch.34] there must be an osteopath on the examining board (State Board of Health), and osteopaths must be examined and licensed, but they are not permitted to administer drugs or perform surgical operations with a knife. Osteopaths who are graduates of colleges offering four terms of five months each and who were practising in the state prior to Feb. 1, 1904, may receive a license without examination. In South Carolina ['04 ch.292 § 13] osteopaths are exempted from the provisions of the license law. In North Carolina by '03 ch.697 osteopaths were required to pass a prescribed examination, and were licensed as regular practitioners. This has been declared unconstitutional in *State v. Briggs*, 46 S. E. 401 (1903). The Kentucky act is not to apply to the practice of Christian science. Interstate reciprocity in medical licenses was provided for in Georgia ['04 ch.101], Iowa ['04 ch.102] and South Carolina ['04 ch.292]. Among minor acts relating to this subject was one in Alabama ['04 p.73] which exempts those who do not propose to practise major surgery, from an examination in that subject; and one in New York ['04 ch.211] which exempts unsalaried members of a hospital staff from the provisions of the medical practice law.

Licensing of dentists. The Kentucky law was amended ['04 ch.32] so that the examining board is now appointed by the governor instead of elected by the Kentucky Dental Association. Students in dental colleges in the state are exempt from the provisions of the dental practice act. The Mississippi law was amended ['04 ch.145] in some minor particulars and the following subjects were added to those in which applicants were to be examined; "oral surgery, physiology, metallurgy, orthodontia, and chemistry, anatomy, materia medica, pathology, therapeutics, histology and bacteriology as they pertain to dentistry, together with a practical examination in operative and mechanical dentistry."

Licensing of pharmacists. In Georgia ['04 p.59] the law was so amended that druggists connected with schools of pharmacy shall be ineligible for membership on the state licensing board and by another act ['04 p.61] licensees may by paying \$15, receive a permanent license instead of one requiring annual renewal. In New York ['04 ch.554] diplomas are to be recognized only from those schools requiring an entrance examination in subjects equivalent to 12 Regents counts. The act also provides that certificates from boards of pharmacy in other states may be recognized, if they represent an equally high standard.

Licensing of embalmers. Previous to 1904 the licensing of embalmers by state boards¹ had been provided for in all the states except California, Delaware, Idaho, Indian Territory, Kentucky, Massachusetts, Mississippi, Nevada, New Jersey, New Mexico, Pennsylvania, Rhode Island, Tennessee and Wyoming. Kentucky ['04 ch.89] now has a state embalming board which examines applicants and issues licenses. The act is substantially the same as that in force in many other states. Unimportant modifications were made to the laws in several other states. In Massachusetts ['04 p.27] the state board of health was requested to report on the advisability of such a law, and reported against such an enactment.

Communicable diseases. Legislation enacted during the year, relating directly to these diseases, has been comparatively unim-

¹States in which the licensing board is the state board of health: Arkansas, Colorado, Florida, Illinois, Louisiana, Michigan, Montana, Minnesota, Maine, New Hampshire, North Dakota, Oklahoma, Oregon, South Carolina, Utah, Vermont, Washington and Wisconsin.

States in which there is a special board for licensing embalmers: Alabama, Arizona, Connecticut, Georgia, Indiana, Iowa, Kansas, Maryland, Missouri, Nebraska, New York, North Carolina, Ohio, South Dakota, Texas, Virginia, and West Virginia.

portant. In Virginia ['04 ch.186] a rather unusual law was passed making it obligatory for the employers of "large bodies of laborers . . . constructing works of public improvement" to have the laborers inspected at such intervals as the county board of health may determine, either by their own physician, or at their own expense by a physician appointed by the board of health. The examining officer may order the employees vaccinated at the expense of the employer. It would appear to be difficult to determine what are "large bodies" of laborers or "works of public improvement." In Alabama ['03 p.499 §13, 14, 16] the health officers are to investigate outbreaks of contagious disease and report to the county commissioners or municipal councils, who are empowered to order, enforce and pay for any restrictive measures necessary.

The mode of payment for the care of cases of contagious disease, particularly smallpox, is a perennial source of difficulty, and minor amendments relating to this were adopted in Iowa ['04 ch.98, 99] and Ohio ['04 p.539]. The location of contagious disease hospitals is another subject which often arouses much discussion. In Kentucky the new law ['04 ch.35 §7] gives the county board of health power "to fix and determine the location of an eruptive hospital for the county, sufficiently remote from human habitation and public highways as in its judgment is safe." In Virginia ['03 ch.473 (ex. sess.)] the mode of establishing contagious disease hospitals was somewhat modified, and it was forbidden ['04 ch.179] to maintain such a hospital within 50 yards of any street, public road, park or cemetery, or to hereafter establish one within 150 yards of such place. In Massachusetts ['04 ch.395] the State Board of Charities may establish a hospital for the care of persons infected with a disease dangerous to the public health, who are liable to become a charge on the state, or may otherwise provide for them.

Tuberculosis. This disease has for some time been uppermost in the minds of sanitary officers and legislators. The investigation of the disease and the establishment of state sanatoriums are the most noteworthy results of legislation. The governors of Maryland, New Jersey, Ohio and Rhode Island all referred approvingly to this movement. New Hampshire ['03 ch.184], Massachusetts, Rhode Island ['03 ch.1096], New York ['01 ch.691], New Jersey ['02 ch.126], Minnesota ['03 ch.316] and Pennsylvania ['03 ch.430] have either provided for the construction of state sanatoriums or for the treatment of patients at existing sanatoriums. In 1904 New Jersey [ch.129] appropriated \$200,000 more for the state sanatorium, Rhode Island [r.14] \$21,000 more and in Ohio [p.559]

\$35,000 was appropriated for the construction of a sanatorium. Commission for investigating the subject had previously been appointed in several states, and in 1904 Georgia [p.760] and Iowa [ch.162] were added to the list. In Maryland [ch.476] the Tuberculosis Commission was continued till January, 1906, when it is to report a detailed plan for a sanatorium.

Maryland appears to be foremost in the thoroughness with which it is investigating the tuberculosis problem and providing for the restriction of the disease. It is now required by statute ['04 ch.412] that physicians and heads of institutions report to the State Board of Health all cases of pulmonary and laryngeal tuberculosis. The state board is to keep a register of all persons afflicted with tuberculosis, but this register is not to be open to the public. Another act ['04 ch.399] makes it a nuisance for any person whose secretions contain the virus of disease to endanger others in the house, and local health officers have control over such cases. The diseases referred to are specified and among them is tuberculosis. Physicians must see that the proper regulations are carried out. The state board is to provide printed rules and circulars of information, and such materials as are needed to prevent the spread of the disease. The physician is to report the facts of the case, the advice given, and the precautions taken, and if the report is satisfactory is to receive for the same \$1.50. When a consumptive moves or dies, the apartments must be disinfected, and must not be again let till this is done ['04 ch.412 §34j].

Nuisances. There was very little legislation relating to nuisances during the year. The most interesting was the New Jersey law ['04 ch.119] which specifies "water in which mosquito larvae breed" as a nuisance which local boards of health shall abate.

Pollution of water. No important acts were passed during the year, but it will be of interest to many to know that the United States Geological Survey has issued a bulletin [Water Supply and Irrigation paper no. 103] containing the existing statute law on this subject.

Fire protection. Louisiana ['04 ch.122] created the state office of fire marshal to be filled by the governor. The marshal is to supervise the investigation of the origin of fires, or may make such investigation himself, and may examine witnesses under oath. He is also to regulate the handling of combustible material. The expenses of the office are to be defrayed by a tax of .2% on the premium receipts of fire insurance companies. South Carolina ['04 ch.274] revised its general law on the same subject. The tax in that state is .1% of the premium receipts of insurance companies.

In Massachusetts ['04 ch.433] fire inspection was removed from the inspection department of the District Police to the detective department.

Iowa ['04 ch.136] made a thorough revision of the law relating to fire escapes. Buildings requiring escapes are divided into six classes, and minute directions are given as to the number and location of fire escapes, their construction, accessibility and lighting, which vary somewhat in the different classes of buildings. The commissioner of labor statistics, chief of fire department, mayor and county supervisors, are to enforce the law.

Owing to the terrible disaster in Chicago the construction and care of places of public assembly received considerable attention. Virginia ['04 ch.23], Massachusetts ['04 ch.450] and Ohio ['04 p.264] passed laws on this subject. That of Massachusetts was the most complete. This act provides for the annual licensing of "theaters" and "public halls," which are defined for the purpose. The mayor in Boston, and the chief of police in other places, issue the licenses on terms and conditions which they shall prescribe. All licensed places must be inspected monthly, and reports sent to the licensee. Notice of the inspection is to be posted in the theater or hall. Appeal from the decision of the licensing officer is provided for. Passes to inspectors are forbidden.

The Massachusetts law regulating lodging houses in Boston is now to apply to all cities of over 50,000 inhabitants ['04 ch.242].

The New Jersey law relating to tenement houses was subjected to very thorough revision ['04 ch.61] and minor amendments were made to the New York law ['04 ch.346, 739].

Protection from floods. Laws relating to this subject were enacted in Iowa, New Jersey and New York. The Iowa law ['04 ch.33] permits cities to undertake works, such as constructing levees and changing water courses within their limits, for preventing injury from floods. The act provides in detail for plans, hearings, contracts, special assessments and bond issues. The New York act ['04 ch.193] in briefer terms authorizes the trustees of villages to take similar action. In New Jersey ['04 ch.4 (ex. sess.)] it is provided that the Legislature may create flood districts with commissioners appointed by the governor with the consent of the Senate. The commissions may prepare plans, acquire land by purchase or condemnation, pay damages, construct works, assess benefits, borrow money, maintain works and sell water. Appeal to the courts is provided for.

Care of explosives. In Massachusetts ['04 ch.370] the fire marshal (formerly town authorities) is to regulate the storage of ex-

plosive and inflammable substances, and buildings are not to be used for this purpose without a license. In Ohio ['04 p.302] parties desiring to make or handle high explosives must make application, presenting statements as to their business, and plans of buildings, which latter must be approved. The chief inspector of factories and workshops is to administer the law. It is also made a misdemeanor to leave unguarded any nitroglycerin can ['04 p.288].

Boilers and engineers. The Ohio law was amended in several details ['04 p.28] making the examination uniform throughout the state, and providing for an appeal, and making the license fee \$2 instead of \$1.

Miscellaneous provisions for safety. In Virginia ['04 ch.560 (ex. sess.)] it is made a misdemeanor to leave samples of medicine. In South Carolina ['04 ch.199] it is unlawful for owners or tenants to allow abandoned wells to remain unprotected.

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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25k

Food Legislation W. D. BIGELOW
Communicable Diseases of Animals D. E. SALMON

FOOD LEGISLATION¹

W. D. BIGELOW, BUREAU OF CHEMISTRY, UNITED STATES DEPARTMENT OF AGRICULTURE

Relatively little was accomplished in the way of food legislation by the last meeting of the Legislatures of the various states. No general food laws were enacted and few new laws of even limited scope. The amendments to the existing laws were not sufficiently numerous or sufficiently important in their bearing to call for an extended notice.

In meetings of those interested in pure food legislation from a manufacturing standpoint and of those engaged in the administration of food laws the necessity of uniformity in the legislation of the various states has been emphasized even more strongly than during previous years. A federal bill which it was hoped might lead to such uniformity and which is universally regarded as a necessary forerunner of it, successfully passed the House of Representatives, but owing to insufficient interest in the matter did not come to a vote in the Senate. It is believed that rapid progress in food legislation can not be made till such a federal law is enacted.

In general the food laws enacted during 1904 resulted in a distinct, though as stated before, somewhat limited advance. Progress was made in several directions. In Kentucky ['04 ch.63] progress was shown by a more liberal appropriation, thus making it possible to extend the work. The amount given the station was increased one half and the annual expenditures permitted were increased from \$7500 to \$10,500. In Ohio ['04 p.64], the salary of the dairy and food commissioner was increased from \$2000 to \$3500. One of the great obstacles in the way of the proper enforcement of the food laws has been the limited compensation of those engaged in such enforcement. A step in the direction of correcting this evil can therefore result only in good.

The same state [O. '04 p.30] also provided for the appointment of an additional assistant commissioner, thus further broadening the

¹See also Governors Messages and Index of Legislation, 955.

work of the commission. A slight advance was also made in Iowa ['04 ch.88] in which an additional assistant commissioner was appointed and the salaries of the deputy commissioner and assistant commissioner advanced from \$1000 to \$1200. In New Jersey ['04 ch.211] the municipal boards of health are empowered to designate as inspectors of food and drugs one or more of their local sanitary inspectors.

Considering the limited amount of food legislation during the year just passed the laws enacted for the purpose of improving sanitary and hygienic conditions are of some importance. For instance, in New Jersey ['04 ch.99] a law has been enacted similar to those enforced in a number of other states forbidding the keeping of milch cows in unwholesome places and requiring their proper feeding. The same state ['04 ch.204] has required that cans used for the transportation of milk shall be properly cleansed.

Serious poisoning cases resulting from the use of methyl alcohol in place of ethyl alcohol have also led to the enactment of laws forbidding this practice [Md. '04 ch.378, 470]. It is probable that the majority of states in which efficient food laws are now in force will not find it necessary to enact legislation regarding methyl alcohol in foods as such a substitution is a violation of practically all the food laws that are now in force.

Some of the changes in legislation during the year, as is usually the case, had for their purpose the improvement of the character of the goods on the market. This is true of the enactment in Ohio ['04 p.252] which requires all cheese containing less than 30% of fat to be labeled as skimmed cheese. In this state the standard was formerly 20%. In the same connection may be mentioned the amendment to the maple sugar law in the same state [O. '04 p.46] and the law in Maryland ['04 ch.653] making the requirements for standard vinegar similar to those of a number of other states.

In several cases the legislation enacted during the year extended to some extent the provisions of the law to articles which had not before been included. For instance in New York the law prohibiting the sale of adulterated milk ['04 ch.480] was so amended as to include the adulteration of cream and the New York law regulating the sale of certified milk ['04 ch.566] was amended in such a manner as to make it more practicable without in any way changing its purpose.

There has been for some time a feeling that the standards for milk enforced in several states requiring a different amount of solids

for different seasons of the year had been based on incorrect information. Recent studies of the subject have led to the belief that the same milk standards might be enforced for the entire year, and it has been suggested that existing laws might be changed in that manner. Legislation of this nature was enacted in Ohio [’04 p.119] which will probably be followed later in several other states.

COMMUNICABLE DISEASES OF DOMESTIC ANIMALS¹

D. E. SALMON D.V.M. CHIEF OF BUREAU OF ANIMAL INDUSTRY, UNITED STATES DEPARTMENT OF AGRICULTURE

Few of the state Legislatures meet during the even numbered years, and in 1904 only five enacted laws bearing on contagious diseases of domestic animals. These were for the most part of minor importance, the only amendment of any extent being to that part of the Rhode Island law of 1892 which deals more particularly with tuberculosis, glanders and farcy.

Iowa. An act approved Ap. 12, 1904, amends the law previously in force relating to the appropriation for carrying on the work of the state veterinary surgeon in eradicating contagious diseases of domestic animals. The amount appropriated for this purpose is increased from \$5000 to \$7500.

Maryland. An act approved Ap. 7, 1904, authorizes the commission appointed in 1902 to investigate cerebro-spinal meningitis of horses, to continue its labors till January 1906. The unused funds under the law of 1902 are to be available for use. The commission is to report the result of its investigations to the governor not later than Jan. 1, 1906.

New York. An act approved Ap. 8, 1904, amends the existing law relative to the state appraisers of condemned animals. The new law authorizes the commissioner of agriculture to appoint one appraiser, in lieu of three as formerly. The former appraisers received \$5 per diem for time actually employed, with expenses; the new appraiser is to receive \$1500 per annum, and necessary expenses. Authority is also given to the commissioner to appoint such additional appraisers from time to time (at \$5 per diem and expenses) as the necessities of the work may demand.

Rhode Island. An act passed Ap. 8, 1904, amending G. L. ch.99 provides that animals suspected of being tuberculous shall be officially examined and if found to be diseased shall, after appraisal,

¹ See also Governors Messages and Index of Legislation, 1143.

priators. At an extra session held in 1903 the law providing for condemnation was amended so as to limit the right of condemnation, preserving to the riparian owner rights to water for household or domestic uses, for the purpose of watering his stock, and for the irrigation of growing crops on his land provided the water has been actually used for that purpose ['03 p.25 (ex. sess.)].

Power. The laws of Alabama provide for the erection of dams in the streams of the state and prescribe the procedure to be followed by those intending to erect such dams. These laws were amended in 1903 to include the erection of dams for plants to generate electricity by water power ['03 p.291]. The Civil Code of 1896, ch. 42, art. 2, provides for the condemnation of lands and other property which will be injured by the erection of dams in the stream. This law originally applied only to individuals but in 1903 was extended to apply to corporations. The courts of the state have uniformly held that the right of eminent domain can be exercised only by those erecting dams for public use and that this public use must be proved in each instance.

River improvement. New York and New Jersey in 1904 passed laws providing for the improvement of their streams. The law of New Jersey ['04 ch.4 (ex. sess.)] provides that the Legislature may create flood districts and define their boundaries. When such a district has been created the governor appoints commissioners to make the necessary plans for improvement, and when plans have been adopted a justice of the Supreme Court, on application of the commissioners, appoints an assessor to determine benefits and damages. In case the benefits assessed are not sufficient to meet the cost of the work, the commission is empowered to issue bonds which are to be met by taxes on the property of the district, assessed by the regular taxing officers and based on the regular valuations for other taxes. Provision is made for a hearing when any interested party may suggest any changes in the plans proposed. The law makes no provision for any coordination in the work in different districts. It is easily possible that works which are of great benefit to one section of a stream or to a tributary may damage another section, but this law provides no means for determining whether such damage will result or for uniting in one district a whole stream or a whole tributary in such a way as to do the work most economically. There is some analogy between this condition and that which exists on streams used for irrigation in Colorado. In that state independent administrative districts were created on the same stream and rights in each dis-

strict determined without any reference to rights in other districts. It was found however, that in fact the ditches were dependent on each other and it was necessary to place an entire stream within a division and coordinate the rights in the several districts. In the same way it will probably be found necessary for New Jersey to provide some means for a systematic development and to create some office or commission with authority to provide for the harmonious improvement of an entire stream. Further the law makes no provision for any action on the part of the property owners within the improved district, either in initiating or approving the plans for the work, or for their taking action on issuing bonds which are made a lien on their property. Under this law the Legislature may determine that certain districts shall be improved, commissioners may be appointed, plans made, bonds issued, and taxes levied without any of these steps being submitted for the approval of the parties in interest. This seems to be a weakness in the law and a possible source of great injustice, since it gives to the Legislature the power to force onto landowners who can not undertake the expense of improvement a large bonded indebtedness which becomes a lien on their land.

The law of New York [’04 ch.734] which provides for similar work avoids one of the criticisms just made on the law of New Jersey in that it provides for the establishment of a permanent commission for the regulation of the flow of the water courses in the state to be known as the River Improvement Commission. This commission on application of any county, city, town or village located along the water course, or any person possessing riparian rights, examines the location of the proposed improvements and makes plans and a preliminary assessment of benefits. Hearings are held, at which interested parties may suggest changes in the plans. When the plans for any improvement have finally been approved by this commission, these are submitted to the Legislature and are carried out only when approved by the Legislature. When plans have been approved in this way the commission may make contracts for the works and purchase or condemn the necessary lands, structures or waters. The cost of the works is to be assessed against the counties, cities, towns or villages and the individual properties as they are benefited, and in case any of this cost can not be properly charged to any of these it is charged to the state as being a general improvement. The commission determines the amount which must be assessed and the proportion which should be assessed against each county city

etc. or individual property, and determines also whether this assessment shall be paid in one payment or in annual payments not to exceed 20. Assessments against individual properties are liens only on the property benefited and not on any other property belonging to the owner. The commission is empowered to make and issue bonds to pay for the work, these bonds to bear interest not exceeding 4% per annum. The bonds are to be sold by the comptroller of the state for not less than par and accrued interest. Prior to the issuing of the bonds the commission may issue certificates of indebtedness to cover necessary expenses. The general expenses of the commission are to be divided among the several projects under way. The committing of this work to one central commission will help to secure a harmonious development which the New Jersey law does not provide for, but like the New Jersey law the New York law makes no provision for any action on the part of those who must pay for the works beyond a making of application for the taking up of the work, and this may be made by any one individual owning riparian property.

LAND DRAINAGE AND LEVEES¹

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Drainage legislation during 1904 with the exception of Iowa relates principally to the maintenance of ditches and the preservation of existing improvements. It was learned that the laws for organizing and executing such improvements did not provide for repairs and maintenance of the work as fully as later developments demanded. The entire Iowa drainage law was declared unconstitutional by the Supreme Court and a new one was enacted.

Illinois. An important decision of the Supreme Court of Illinois declares section 37 of the act for drainage for agricultural, sanitary and mining purposes to be unconstitutional on the ground that it deprives owners of property without due process of law [*Juvinall v. Jamesburg Drainage Dist.*, 68 N. E. 440 (1903)]. This section relates to the payment for right of way and damages necessary in the construction of drainage works and has been in operation since its passage in 1885. The decision in this case was as follows:

(1) When a property owner whose land has been condemned for a drainage ditch does not specifically object to confirmation of the commissioners' report of damages and benefits on the ground that the assessment was made by the commissioners and not by jury, he waives his right to have the damages ascertained by a jury.

(2) In making out an assessment roll in proceedings for the construction of a drainage ditch, it is an error not to consider damages as well as benefits where it appears that land will be taken for a ditch.

In the review of the proceedings it is held that damages can not be offset by benefits but both must appear as specific amounts and that damages for property taken for a drainage ditch must be determined by a jury unless landowners by their failure to apply for such jury at the proper time waive such right. It is consequently held that this decision will not affect the validity of proceedings of districts previously established.

Iowa. Section 1946 of the Code of Iowa relating to the assessment of lands for the cost of construction of drainage ditches was declared unconstitutional by the Supreme Court of that state in the case of *Beebe v. Magoun* on the ground that the law did not provide for notice to be served on all landowners assessed for the cost of the ditch and hence violated the constitutional inhibition against taking property without due process of law. Chapter

¹See also Index of Legislation, 1101.

67 of 1904 amends this section by providing that a reassessment and relieving may be made for the cost of ditches already begun and that the amendment shall be construed to apply to proceedings pending before boards of supervisors. This amendment became a law Ap. 29, 1904. On May 5, 1904, the Supreme Court in the case of *Smith v. Peterson*, involving questions arising under the same section, ruled that the unconstitutionality of §1946 invalidated the entire scheme for the establishment of drainage ditches embodied in §1939-51. Chapter 67 then appeared as an amendment to an unconstitutional statute and hence failed to affect the situation it was intended to relieve.

A new law ['04 ch.68] provides for leveeing, ditching and draining the land of the state and for the assessment and collection of costs for the same. The board of supervisors of any county has authority to establish drainage districts whenever the same will be conducive to the public health, convenience or welfare. It is asserted that the drainage of surface waters from agricultural lands shall be considered a public benefit and conducive to public health, utility, convenience and welfare.

In order to bring the matter under the jurisdiction of the supervisors, a petition must be presented to the board signed by one or more landowners who desire combined drainage and whose lands will be affected by the proposed improvement, accompanied by a bond to be approved by the auditor, conditioned to pay all costs in case the supervisors do not grant the petition. The board shall appoint a competent engineer to examine the land, survey the route of the proposed ditch, plat the land, and report the manner in which the several properties will be affected by the improvement, together with the names of the owners of the same, and shall make an estimate of the cost of the drainage petitioned for. If the engineer recommends the establishment of the district, the auditor shall notify the owner of each tract of land within the proposed district of the time set by the supervisors for a hearing, and that all claims for damages must be filed in writing five days previous to that time.

If claims for damages are filed, the board shall appoint three appraisers to determine the amount due each claimant, their report to be filed with the board. If in the opinion of the board the amount of damages awarded and the cost of construction will not be a greater burden than the land benefited should bear, they shall establish the ditch. Any party aggrieved by the award of the supervisors may appeal to the District Court. The damages finally

awarded to the claimants shall be paid by the parties benefited or secured to be paid on such terms as the county auditor may deem proper.

Such damages having been either paid or secured to be paid, the board shall appoint an engineer who shall have charge of the construction and who, before entering on his duties, shall give a bond to the county in such sum as the board may determine, conditioned on the faithful discharge of his duties. The board shall advertise for bids and let contracts, the successful bidder being required to execute a bond with approved sureties equal to 25% of the estimated cost of the work covered by his contract.

When the ditch or improvement shall have been established the board shall appoint three commissioners, one of whom shall be an engineer, who shall inspect all the land benefited and classify the same in tracts of 40 acres or less and apportion the costs, damages, and other expenses to the several tracts in proportion as they may be benefited. In making this estimate the lands receiving the greatest benefit shall be marked on the scale of 100 and those receiving less benefit shall be marked with such percentage of 100 as the benefit received bears in proportion thereto. The commissioners shall report to the board such classification and also the amounts which in their judgment should be assessed against property other than farm land, whereupon the auditor shall notify each property owner of the amount of his assessment and of the day set by the board for hearing objections to the same. On the day appointed the board shall hear any objections of owners to their assessments as reported by the commissioners and may change the same if in the opinion of the board such assessment is not just or equitable. Appeal from the assessment established by the board may be taken to the District Court by any party aggrieved, as in the case of the assessment of damages.

During the construction of the work the engineer in charge shall furnish to the contractor monthly estimates of the amount of work done, on presentation of which the auditor shall draw a warrant in favor of the contractor for 80% of the value of such work.

It is also provided that after the contract has been let the board may on the recommendation of the engineer change the dimensions of the improvement, but in such event notice shall be given and like proceedings had as are provided for the first establishment of the district.

The auditor shall enter all proceedings in a book known as the Drainage Record, and shall receive such compensation for his services as the board may see fit to allow.

A special tax for raising the amount of the assessment shall be levied on the property of owners benefited and collected as other taxes, but all money so collected shall be kept in a separate fund and shall be paid out only by order of the supervisors for the purposes connected with the improvement. This tax shall be a lien on all premises on which the same is assessed to the same extent as taxes levied for county and state purposes.

Provision is made for establishing a new improvement in a territory where work has been abandoned and for making a relevy for the expense of the same. After any ditch improvement has been completed it shall be continued under the control of the board of supervisors, who shall repair the same when necessary or may enlarge, deepen or otherwise improve it.

Subdistricts may be formed within the limits of the main district by landowners for the more complete drainage of their farms in a manner similar to the organization of the main district.

Provision is made for the establishment of a drain or improvement of a natural stream across railroad rights of way by mutual agreement between the engineer of the district and the railroad company as to manner and method of crossing the right of way. If the parties fail to agree the State Railway Commissioners shall decide the matter and their decision shall be final and binding on the parties. On due notice the railroad company shall construct a ditch across its right of way in accordance with plans furnished by the engineer of the district. In case the company fails to do this within the time specified in the notice, the district may construct the ditch and collect the cost of the same from the railroad company. The section regarding construction across public highways requires the expenses to be paid out of the township or road fund.

All special assessments for benefits are payable to the county treasurers and may be made in instalments, the deferred payments bearing interest not exceeding 6% per annum. Authority is also given the board to issue improvement certificates payable to the bearer or to the contractor in payment for work. Drainage bonds of the county may be issued by the supervisors for the benefit of the district, but they shall not run longer than 15 years.

The owners of land requiring combined drainage may arrange a plan by mutual agreement in writing duly signed and file the same with the county auditor. The board of supervisors shall then have jurisdiction and shall construct the improvement in accordance with the mutual agreement and thereafter retain control as in other districts.

When a district lies in two or more counties, provision is made for joint jurisdiction of the affairs connected with carrying out the improvement.

The board of supervisors has the right and power to establish levees for drainage districts which include the whole or a part of incorporated towns or cities and owners of property therein may be assessed for benefits.

When no practicable and efficient outlet for a drainage ditch can be obtained within the limits of the state, the board of supervisors shall have power to purchase a right of way for such outlet in an adjoining state and pay for the same out of the district funds.

Where it becomes necessary to cross the land of private owners to obtain an outlet for the drainage of public highways, the cost of such drains or outlets may be paid out of the road funds of the townships interested or from the county road fund or partly from each, as the board of supervisors may direct.

In the operation of this law the county board of supervisors has complete control except when the parties whose property is affected appeal from the decisions of the board to the District Court.

The board of supervisors in any county or counties may provide for the establishment and maintenance of pumping stations in a drainage district where they are necessary to secure proper outlets but the petition for the same shall be signed by 50% of the land-owners of the district [’04 ch.69].

An additional act [’04 ch.70] gives the owners of land the right to drain the same in the general course of natural drainage by constructing open or covered drains and discharging the same into any natural water course or into any natural depression whereby the water will be carried into any natural course. When such drainage is wholly on the owner’s land he shall not be liable for any damages therefor to any person.

A joint resolution approved Ap. 9, 1904, proposes an amendment to the Iowa Constitution which will give the General Assembly power to pass laws permitting owners to construct ditches, drains and levees for agricultural, sanitary or mining purposes across the lands of others and to provide for the organization of districts, the cost of all work to be paid by special assessments on the property benefited.

Louisiana. This state [’04 ch.61] gives control of drainage channels in levee and drainage districts and for a space of 100 feet on each side thereof to the boards of commissioners of such districts. The boards are given power to adopt and enforce rules and regulations for preserving the efficiency of such channels.

Maryland. An amendment to the Code permits the use of approved devices across ditches for preventing the passage of live stock through them, and makes \$2 the minimum and \$20 the maximum fine for placing any obstruction in a ditch ['04 ch.391]. Slight changes are also made in the manner of collecting money for making, cleaning out and repairing ditches.

Mississippi. Legislation in Mississippi relates entirely to levees. Chapter 90 makes it unlawful for any person to make use of, for any purpose, any levee or land condemned for levee purposes without the written consent of the Board of Mississippi Levee Commissioners.

Chapter 91 authorizes the Board of Mississippi Levee Commissioners to issue \$1,000,000 in bonds payable in 40 years bearing 5% interest, the money obtained therefrom to be used exclusively for the construction of levees; and provides the manner of levying a tax for the payment of the bonds.

Chapter 92 regulates the right of eminent domain by the Board of Mississippi Levee Commissioners for Bolivar, Washington and Issaquena counties. It specifies that the circuit judge of the district shall appoint three resident freeholders of each county to be "commissioners to assess damages" and provides for the succession and perpetuation of the board. The commissioners so appointed shall make all awards for rights of way, use of property, or damages caused any owner by reason of the construction of the levee, and shall certify and deliver the same to the treasurer of the board of Mississippi Levee Commissioners. Any person aggrieved by the award of the commissioners may appeal to the Chancery Court and either party may appeal from the Chancery Court to the Supreme Court.

Chapter 95 authorizes the Levee Commissioners of the Yazoo Mississippi delta to issue \$500,000 in bonds bearing not less than 4½% interest payable semiannually, for the construction of levees, and specifies the denomination and manner in which the bonds shall be issued.

New Jersey. Section 16 of an act to enable owners of tide swamps and marshes to improve the same and the owners of meadows already banked in and held by different persons to keep the same in good repair, passed Nov. 29, 1788, is amended ['04 ch.9] by adding the proviso that at any time after the expiration of 10 years from the recording of a certificate previously signed by the owners of such land providing for keeping the drains and embankments in order, any owner desirous of being relieved from such

order for the purpose of filling up ditches, relaying water courses, or otherwise changing the plan of improvement already in operation, may after giving two weeks notice to the remaining owners, apply to the Court of Common Pleas for relief, and the court is directed to appoint three judicious and disinterested men as commissioners who, after hearing the parties in interest, are empowered and directed to make a new order of maintenance or division of banks or other works established under this section and to determine such alterations or reconstruction as may be most beneficial to the landowners. The commissioners shall make a certificate of their proceedings and findings which shall be recorded in the Road Book by the clerk of the court, after which the owners may fill up or otherwise improve their lands in accordance with the new order, and such report shall be at all times considered as plenary evidence of the right of such owners to change or otherwise construct their improvements.

Sections 1-2 of the drainage law of 1903 are so amended ['04 ch.113] that any town or township in the state in which meadows, swamps or other lands improved or otherwise are so situated that they can not be sufficiently drained without clearing, cutting out, or deepening the beds of creeks, etc. may on petition for such improvements take and appropriate the lands and real estate necessary therefor on making compensation to the owners thereof in the same manner as in cases where land is taken for the construction of sewer, drain or culvert in such municipality.

New York. The drainage law [R. S. pt 3 ch.8 t.16 §8] is amended by adding that in case the lands to be drained are located in more than one town the total amount to be raised shall be apportioned among the several towns within which the lands to be drained are located and on notice served as specified the supervisor of each town shall thereupon immediately issue bonds in the total amount apportioned to his town ['04 ch.75].

The drainage law is further amended ['04 ch.433] by adding § 37 which specifies the manner in which ditches regularly constructed shall be kept open. If an owner through whose land the ditch passes fails to keep it in repair, any person whose land is damaged by such failure shall apply to the fence viewers of the town in which the ditch complained of is situated, to open it. It is provided that the board of fence viewers shall assess the cost of cleaning the ditch and other expenses which shall be a charge and lien against the premises through which the ditch runs.

scribe, after due hearing, a reasonable rate or rates. Formerly the commission could only "recommend"; now it can "fix" rates, including joint local rates. The complaining person or persons must give security for costs but the commission may adjudge the costs of proceedings against either plaintiff or defendant, as the equities of the case may require. So far so good; but this last amendment was again amended ['03 p.354] so as to adjudge the costs of the proceedings against the unsuccessful party! Less objectionable than the latter, though by no means defensible, is the Massachusetts law ['04 ch.429] which assesses the salaries and other expenses of the Railway Commission against steam and electric railways in proportion to their respective gross earnings. The basis of apportionment is probably the best that can be selected but the principle of taxing particular industries for the entire expense of performing supervisory functions in the interests of the public is one of doubtful expediency and questionable ethics.

Passes and free transportation received consideration in a few states. An Iowa law ['04 ch.76] requires railway companies to issue to the shipper of one or more carloads of animals a free ticket from the point of shipment to the point of destination, the return trip to be undertaken within 48 hours from the time of the delivery of the shipment at the place of destination. A second pass shall be issued when a single shipment aggregates six or more cars. The Missouri law noted in last year's review, compelling the giving of free tickets to designated persons was incorporated in a constitutional amendment which was rejected at the general election in November 1904. On pain of impeachment, Georgia ['04 p.72] prohibits judges of the Supreme or Superior Courts, from receiving free transportation or other favors from railway or other quasi public corporations. This state ['04 p.102] also prohibits the sale of "nontransferable signature tickets" issued by railway and steamship companies; and requires the companies to redeem unused tickets or unused portions of tickets, paying for the former the actual price and for the latter the difference between the local rate for the distance actually traveled and the price paid for the whole ticket, without cost of exchange or other expense to the purchaser. Essentially the same provisions are embodied in a New Jersey law ['04 ch.177] with the additional proviso that ticket agents shall be subject to fine if they collect more than the legal fare or rate. This law also regulates the sale of **unclaimed baggage** and provides for the appointment of employees as railway, canal or steamboat **police** on the application of the respective companies.

Similar police powers are extended to conductors of street and interurban railways by two amendments of Ohio laws ['04 p.84. 392]; and by a Virginia amendment ['04 ch.169] which gives duly appointed railway employees all the powers of any constable or police officer in all cases in which the rights of such railway company are involved. **Mileage tickets**, "good for the purchaser and the actual members of his or her family living with the purchaser at the time of purchase" were authorized by a South Carolina law ['04 ch.250], but no definition of membership in a family was attempted though the names of persons entitled to use the ticket may be entered on it.

The Legislature of Ohio enacted one original act ['04 p.546] and three amendments ['04 p.537, 301, 548] relating to **crossings**. One law is extended so as to provide for crossings of steam railways with street and interurban railways at grades not exceeding the established grades on the divisions affected. Another makes the construction of overhead crossings or subways dependent on the action of the municipalities concerned. The third amendment supplements an existing law by giving the Court of Common Pleas jurisdiction to ascertain and define the manner in which one steam railroad shall cross another within corporate limits, subject to the limitations of the grade existing on the division on which the improvement is to be made. The new law of Ohio prohibits grade crossings between steam railways and highways unless authorized by the Court of Common Pleas on grounds specified in the petition of a railway company or municipality requesting a grade crossing. All other crossings shall be either above or below grade. Maryland ['04 ch.620] added a new section to her general railway laws which provides that railway companies may establish, at their own cost, crossings over public highways, either over grade or under grade. Companies are empowered to exercise the powers of condemnation for the purpose of acquiring such additional property and rights as may be necessary for the construction of the crossings. The law also specifies, in a general way, the manner in which the crossings shall be constructed. Municipalities in New Jersey are authorized ['04 ch.209] to issue bonds, when necessary, in order to meet their share of the expense in changing the grades of railways within their limits.

The ancient topic of **consolidation** was remembered in Ohio ['04 p.570] where an amendment was passed authorizing electric and steam railways to consolidate, subject to the provisions of the general railway law governing consolidations; "but the pro-

visions herein as to companies owning competing lines of road, shall not apply to companies whose lines of road are nearly or wholly situate in any municipal corporation of this state." New York added an unimportant amendment relating to the location of the principal office of a consolidated company ['04 ch.228].

Separate accommodations for white and colored persons gave rise to two acts in Maryland ['04 ch.109, 100] and one each in South Carolina ['04 ch.249] and Mississippi ['04 ch.99]. The Maryland acts relate to railways and steamships, respectively, and provide for the usual regulations governing the color line in transportation, excepting from the operation of the act nurses, attendants and other persons specified in the law; and prescribing a penalty for railway officials who may be found derelict in the execution of the law. The South Carolina act is an amendment which extends the provisions of the law to steam ferries and which construes the furnishing of separate "cabins" as compliance with the law. The Mississippi law applies also to street railways.

South Carolina further ['04 ch.196] compels railway companies to carry not exceeding 200 pounds of baggage free of charge and declares ['04 ch.230] bicycles and baby carriages baggage. This furthermore prescribes ['04 ch.379] periods of time within which freight shall be transported.

Virginia ['04 ch.153] introduces a new element into her railway legislation by authorizing the proper authorities to prohibit either absolutely or conditionally excursions on steam or electric railways, or on steamboats to certain places, subject to a fine of not less than \$100 nor more than \$500 for each offense. In Virginia also any railway company operating sleeping, dining, palace, parlor or chair cars in Virginia may exclude any and all persons, who in the discretion of its officers it deems fit to exclude from such cars ['04 ch.85]. Again, Virginia declares ['04 ch.48] the words "railway" and "railroad" to be synonymous in all legal proceedings and in the constructions of the courts of the commonwealth.

The Alabama law providing for the **examination of railway employees** was amended ['03 p.162] so as to include among the specific qualifications the ability and capacity to see and distinguish objects and colors and to hear sounds to a satisfactory degree. A constitutional amendment of vague phraseology ['04 ch.16] was passed by the Legislature of Louisiana and adopted by the people at the November election, extending the time limit for the **exemption from taxation** of railways newly constructed to those completed on or before Jan. 1, 1909. The date, on or before which the New York Railway Commission shall provide railway

companies with report blanks, has been changed from Sep. 15 to June 30, thus bringing this date in harmony with what has become almost universally the fiscal railway year in the United States [N. Y. '04 ch.158]. The Ohio law relating to **automatic couplers and air brakes** has been amended ['04 p.615] so as to restrict the application of the law to standard gage cars, till Mar. 1, 1910, after which it shall apply to all cars used in the operation of steam railways in the state.

In regard to **electric railways**, Alabama amended a law ['03 p.384] so as to make its provisions conform to some of the worst practices of our early steam railway era. The incorporators of an electric railway company shall give a "general" description of the route, including termini, "which description may be amended from time to time as such line or lines are changed or extended." Another Alabama law ['03 p. 67] authorizes foreign electric or suburban railway companies which may extend their lines into the state to run their wires along their right of way and to sell electric current to consumers in the same manner as they are doing in the adjacent state. This law is supplementary to one ['03 p.66] which admits foreign companies to the state on filing their charter and meeting the same requirements regarding taxation which govern domestic corporations. The increase of the capital stock of street railway companies is also provided for ['03 p.144]. Massachusetts enacted an important amendment ['04 ch.441] by which the freight business, or business as common carriers, of electric railways was made contingent on the approval of the State Railway Commission. Another amendment [Mass. '04 ch.357] extends existing requirements regarding waiting rooms of railway companies to street railways; and also makes a similar extension of the provisions relating to complaints. The illegal sale of street railway transfers is made punishable by a fine not exceeding \$50 or by imprisonment for a term not exceeding 30 days [Mass. '04 ch.267]. New Jersey took a step toward uniformity by making it possible ['04 ch.243] for street railway companies or companies owning railways operated as street railways to reincorporate under the general law regarding "traction companies." The same state authorizes the construction and operation of street railways by turnpike companies on turnpikes and other highways [N. J. '04 ch.173]. Louisiana ['04 ch.89] has granted municipalities of more than 5000 inhabitants the "power to construct, own and operate street railways within and without their corporate limits." Ohio ['04 p.106] passed an expropriation law in favor of street railway companies, containing the usual provisions.

New York enacted three relatively unimportant laws relating to **canals**. One ['04 ch.14] raises the amount of money which may be advanced to a division engineer from 5 to 20 thousand dollars. Another ['04 ch.335] creates a board of three special examiners and appraisers, whose duty it shall be, under the direction of the Canal Board, to acquire desirable and necessary lands for canal purposes. The third law ['04 ch.200] continues the Board of Consulting Engineers, appointed under the act providing for the improvement of the Erie and other canals, in office till the construction authorized by the act shall have been completed. An amendment to an Ohio law ['04 p.103], makes the members of the Board of Public Works ['04 p.184] superintendents of the canals of the state. They shall give all their time and attention to the work and receive a salary of \$1500. The Board of Public Works is also authorized to appoint superintendents of repairs. Another law [Ohio '04 p.534] specifies the manner in which the board shall dispose of receipts from land sales. Oregon ['03 p.11, ex. sess.] created a board of commissioners of canals and locks, with authority to expend not to exceed \$100,000 for the improvement of specified sections of the Columbia river; and to convey the right of way and improvements to the United States free of cost. The act declares that an emergency exists which involves the public peace, health and safety of the commonwealth, and on account of which the act is excepted from the operation and power of the referendum, going into effect immediately.

A law of South Carolina ['04 ch.281] places **telegraphs and telephones** under the jurisdiction of the State Railway Commission, with power to regulate rates, establish connections, and, in general, control the service. Telegraph and telephone companies are required to contribute their share toward the expenses of the commission. Kentucky ['04 ch.71] passed a simple act relating to the right of way of telegraph and telephone companies.

Acts relating to **bridges** do not contain any noteworthy feature. They all deal with matters common to such acts and reveal no new principles or rules of action. The same may be said regarding the legislation relating to **ferries and viaducts**. An Illinois law was declared unconstitutional in so far as it penalizes unlicensed ferries carrying railway cars between states, on the ground that it was an interference with interstate commerce.

use by others. Illinois had in 1901 passed a law providing for the registration of trade-marks: possession of receptacles bearing such marks was to be prima facie evidence of unlawful possession. This law was declared to be unconstitutional on the ground that it was special and class legislation [*Horwich v. Walker-Gordon Laboratory Co.*, 68 N. E. 938].

Warehouses and markets. Very little legislation relating to these subjects was enacted during the year and its scope was unimportant. Kentucky ['04 ch.57] extended the provisions of a former law ['93 ch.256] so as to include storage rights to cotton seed oil in warehouses and the issuance of receipts therefor. In Mississippi ['04 ch.89] warehouse receipts were made conclusive evidence of the receipt of the property. Miscellaneous amendments to existing laws were made in South Carolina ['04 ch.271] relating to tobacco warehouse charges and an amendment to Maryland law ['04 ch.336] allowed additional inspection service in state warehouses.

Regulation and licensing of trades and occupations. Under this category there were 14 laws, seven of them being new statutes. The number is far short of that of the preceding year which was 54, 29 being original. There are several subjects such as the regulation and licensing of engineers, medicine, pharmacy and law which belong more properly to the general subject of "public health and safety" and the "administration of justice" and are treated elsewhere. The above list does not also include four laws passed in previous years but declared unconstitutional by the courts during 1904. The more important laws regulating and licensing trades and occupations include accountants, auctioneers, barbers, hawkers and peddlers, junk and secondhand dealers, nurses, plumbers etc.

Following the example of Illinois and Washington in 1903, New Jersey ['04 ch.230] passed a law to regulate the practice of the profession of public accountants. The law provided for a state board of public accountants of three persons to be appointed by the governor. The principal duty of the board is to conduct semi-annual examinations and to recommend to the governor that successful in these examinations be appointed "certified accountants." The law gives much less power or responsibility to the examining board than is the case in Illinois and Washington. The granting of the certificate is optional with the governor but he may revoke a certificate after having received a recommendation of the board, and even

inspection most of them having to do with union labels, bottles, cans and other receptacles.

Louisiana ['04 ch.153] and Ohio ['04 p.395] enacted comprehensive laws regulating the sale of commercial feeding stuffs. The two laws are very similar, the more important provisions requiring manufacturers to forward statement of ingredients and sample to a state board, who is compelled to issue inspection certificates and tags which are attached to the product and contain a statement of the ingredients of the same. Two other states, Massachusetts ['04 ch.332] and New York ['04 ch.558], amended existing laws on the subject, the general purpose of the amendments being to more effectually regulate the sale of commercial feed for stock.

Laws were passed in six states prescribing regulations for the sale of commercial fertilizers. Their general purpose and character were not essentially different from those relating to commercial feeding stuffs, the laws of Mississippi ['04 ch.111] and New York ['04 ch.567] for example requiring that all commercial fertilizers be properly labeled, each label registering the weight, address of manufacturer and the chemical analysis of the package to which it is attached. The Mississippi law excepted cotton seed products while an amended law in South Carolina included cotton seed meal.

A law in Alabama ['03 p.248, 389] designated the testing laboratory of the University of Alabama as State Testing Laboratory for cements and other materials of construction.

As regards petroleum products recommendations were made by the governors of Florida ['03 p.51-52] and Iowa ['04 p.21], the former advising "that a law be enacted requiring an inspection of illuminating oils by the state chemist." Iowa ['04 ch.87] revised a law on this subject, the purpose of the revision being to render more effective the general inspection of illuminants by providing more adequate assistance, compensation and reports, as well as greater centralization of responsibility.

Kentucky ['04 ch.82] made it a misdemeanor to sell certain adulterated, mixed or misbranded grass and clover seeds, while New York ['04 ch.286] regulated the sale of imported ginseng by requiring a label to show the country where the roots or seeds were grown.

There were six laws relating to branding and inspection, all but one being in New York. Their general purport was to protect the owners of certain classes of trade-marks against their illegal

use by others. Illinois had in 1901 passed a law providing for the registration of trade-marks: possession of receptacles bearing such marks was to be prima facie evidence of unlawful possession. This law was declared to be unconstitutional on the ground that it was special and class legislation [*Horwich v. Walker-Gordon Laboratory Co.*, 68 N. E. 938].

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waive the examination altogether provided the applicant has practised accountancy for more than three years before the passage of the act.

In the regulation of trades and occupations there is a general tendency toward the appointment of special state boards. This is evidenced not only in the case of the New Jersey accountancy law but also in other lines. Maryland for example created a board of barber examiners ['04 ch.226] as well as a board of examiners of nurses ['04 ch.172]. The principal duties of the former consist in inspecting the sanitary conditions of barber shops, granting certificates and making an annual report to the state comptroller, while the latter board issues certificates to nurses who are generally required to have an education equivalent to a high school course and a diploma from a training school for nurses which represents three years of training and practice.

Various other laws of a miscellaneous character increase the license fees and exempt certain classes such as honorably discharged veterans. This is particularly the case in regard to auctioneers, hawkers and peddlers. A New Jersey law ['04 ch.52] regulating the business of junk dealers requires loan and purchase books to be kept open for inspection by police officers.

Previous laws enacted in Idaho ['01 p.155], Wisconsin ['01 ch.341], Minnesota ['01 ch.356] and North Carolina ['03 ch.247 §36] have been declared unconstitutional. The Idaho law licensed peddlers, hawkers and solicitors. The Supreme Court decided that runners for wholesale houses taking orders from merchants only could not be compelled to pay the license on the ground that it was clearly class legislation and contravened both federal and state Constitutions [In re Abel, 77 P. 621]. The Wisconsin law was similar, but exempted certain classes. The court declared these exemptions to be unconstitutional on the ground that they represented unequal taxation and denied equal protection of the law [State v. Whitcom, 99 N. W. 468]. The Minnesota law required plumbers in cities of 10,000 to be licensed by the state board. This was declared to be unconstitutional on the ground that it was special legislation since it exempted master plumbers and cities of 10,000 having a sewerage system or waterworks [State v. Justus, 97 N. W. 124]. Finally North Carolina ['03 ch.247 §36] imposed a license tax on itinerant vendors of stoves within the state. The Supreme Court of the state [Wrought Iron Range Co. v. Campen, 47 S. E. 658] maintained that in so far as it applied to sales by sample of goods manufactured without the state, shipped into the

state and delivered in original packages, it was unconstitutional since it was a restriction on interstate commerce.

Miscellaneous trade regulations. The principal laws in this category relate to advertisements, holidays and trading stamps. The extensive use of advertising has developed many abuses which legislation is aiming to remove. In New York ['04 ch.423] it is declared to be a misdemeanor to publish false or misleading statements relative to merchandise offered for sale. Likewise it is a misdemeanor in Iowa ['04 ch.137] to advertise the sale of liquor or tobacco within 400 feet of a public school building and in Virginia to use a name or picture for advertising purposes without the person's consent.

The general tendency toward an increase in the number of legal or public holidays noted in last year's review is reflected by laws passed in Louisiana ['04 ch.3] and Mississippi ['04 ch.88] while Ohio ['04 p.160] repealed an enactment which limited Saturday half holidays to cities of 50,000 or over.

To remedy the abuses connected with the so called trading stamps several of the states passed laws, some of which were prohibitory in character, while others attempted to regulate the matter by taxing, licensing or requiring the value of the stamps in legal money to be printed on the face. In 1898 Vermont ['98 ch.123] penalized the use of these stamps but the court decided the law to be unconstitutional since it violated the 14th amendment of the United States Constitution by abridging the privileges and immunities of citizens and depriving them of their property without due process of law [State v. Dodge, 56 A. 983].

Encouragement of industries. Legal encouragement to industries was rendered in the form of bonuses, taxation exemptions, bounties, appropriations for expositions and laws aiming to attract immigrants or capital. Most of the laws relating to expositions consisted of additional appropriations for the Louisiana Purchase Exposition. Mississippi ['04 ch.126] and Alabama ['03 p.565] passed laws exempting certain industries from taxation for a period of years. Florida and Tennessee proposed amendments to their Constitutions which would permit their doing the same but these proposals were rejected. Minnesota ['99 ch.307] had formerly provided a bounty of 1 cent a pound for sugar from beets and sorghum but this law was declared to violate those provisions of the Constitution which prohibited expenditures not for public purposes and the use of state credit for private purposes [Minnesota Sugar Co. v. Iverson, 97 N. W.454]. Many states, particu-

larly those in the South, have adopted various expedients in recent years to advertise their resources for the purpose of attracting foreign capital and labor. Louisiana ['04 ch.150] and New Jersey ['04 ch.72, '04 ch.199] have been specially active in this respect during 1904. Governor Heard of the former state refers, in his annual message, to the beneficial results attending the large number of real estate and colonists excursions as well as the various organizations formed for the purpose of advertising the state and attracting immigrants. "These organizations," he tells us, "number 40 and the influence of their work can not be overestimated." The governor of Maryland affirms that the State Bureau of Immigration has been largely instrumental in locating over 4000 settlers in Maryland and has added in finding a market for nearly 35,000 acres of land sold to these immigrants. The governors of Georgia and South Carolina both advocated the creation of a state bureau of immigration. The latter state acted on the recommendation of its executive and established a department of agriculture, commerce and immigration which is "charged as far as possible with the execution of the work usually devolved upon a bureau of immigration, a bureau of agriculture and a bureau of publicity" ['04 ch.259].

Navigation and waterways. There is no state legislation relating to navigation and waterways of any other than a local interest. Perhaps the most important law was one in California ['03 ch.211] providing for a \$2,000,000 bond issue to construct a sea wall in the city and county of San Francisco.

BANKING

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The legislation of our states in 1904 exhibits no new features so far as it pertains to banks and allied institutions. The same tendencies noted in previous reviews as regards the differentiation of these institutions from other corporations, special statutes for the regulation of commercial banks, trust companies, savings banks, investment companies, building and loan associations and pawnbrokers, and the amendment of defects in existing laws are observable. The most noteworthy laws of these classes for the year 1904 were the general banking act of Alabama and the amendment to the Constitution of Texas pertaining to the same subject, the act of Massachusetts pertaining to trust companies, the laws enacted in Massachusetts, Georgia and Iowa for the regulation of investment companies, and those enacted in Ohio and New Jersey with reference to pawnbrokers.

Commercial banks. The general banking act of Alabama [03 p.483] was approved Oct. 10, 1903. It is supplementary to the Code adopted in 1897, which contained several provisions regarding banking institutions. Among the regulations not included in the Code are provisions requiring reports to the state treasurer at least twice a year and special reports from particular banks whenever the treasurer may desire, inspection by bank examiners at least once a year and twice a year if possible, a reserve of 15% of demand liabilities, of which threefifths may consist of balances due from other banks, and a limitation of the loans to any one person, firm or corporation to 10% of the capital, surplus and undivided profits, except when made on ample collateral security or on the approval of a majority of the directors. Among the modifications of the law as stated in the Code, the most important is the reduction of the capital requirement for banks in small towns. The old law prescribed for banking corporations a subscribed capital of at least \$50,000 and a paid-up capital of at least \$25,000. The new law fixes the minimum paid-up capital for towns of 2500 inhabitants or less at \$10,000, and for larger towns at \$25,000.

One misses in this law the more detailed regulations regarding investments which are found in the banking laws of many states, particularly those with reference to real estate, and provisions regarding the liability of stockholders and the accumulation of a surplus. Some of the regulations prescribed are not very string-

ent and are likely to prove ineffective. The limitation of investments to any one person, firm or corporation to 10% of the capital, surplus and undivided profits is rendered of little account by the following clause which permits larger loans on collateral or, with the approval of the directors. The limitation placed on loans to bank officials by the provision that such loans must be based on good security seems insufficient in the absence of any provision determining what kind of securities shall be regarded as good. It is worthy of note that in copying a portion of the provisions of our national banking law pertaining to cash reserves, the procedure in case of violation was changed, from the prohibition of further discounts till the reserve should be restored to the legal limit, to a fine of \$25 a day.

In this connection should be mentioned another act ['03 p.477] approved Oct. 9, 1903, for the protection of banks and banking institutions. It aims to prevent the accumulation of checks, drafts and other demands on a bank for the purpose of starting "a run," or of embarrassing the bank. It provides that such action shall constitute a misdemeanor and be punishable by a fine of not less than \$500 and not more than \$2000.

An amendment passed Mar. 19, 1903 ['03 p.160] permits an extension of existing bank charters for 20 years from any date fixed by stockholders antecedent to the date of expiration of existing charters or from the date of filing the resolution of extension with the judge of probate. The amendment further provides that subsequent extensions shall be for a period of 12 years only. The period of incorporation under the old law was 30 years.

The Constitution of Texas, adopted Feb. 17, 1876 [Art. 16, §16], provided that "no corporate body shall hereafter be created, renewed or extended with banking or discounting privileges." Up to date, therefore, the banking business in Texas has been confined to national institutions and to private persons or partnerships operating without corporate privileges. Ap. 1, 1903 the Legislature of Texas adopted an amendment to this section of the Constitution, authorizing the incorporation of banking institutions, provided that the shareholders be liable for debts to an amount equal to the par value of their shares, that the capital stock be paid in in full, that branch banking be not permitted, and that foreign corporations other than national banks be prohibited from carrying on a banking business in the state. This amendment was submitted to the people in November 1904, and adopted, and the Legislature at present in session has passed a general banking act which is now (Ap. 17) awaiting the signature of the governor.

The amendments to banking laws passed in other states during the year 1904 are of minor importance. Virginia ['04 ch.578] extended the scope of her banking laws by making them applicable to all kinds of institutions chartered under the laws of the state and conducting a banking business therein, and provided for the protection of the state against insolvent institutions by making it the duty of the corporation commission to notify the auditor and treasurer of the condition of such a bank, and, in case it considers such action necessary, to apply to the proper court for the appointment of receivers. A further clause inflicting a penalty for the acceptance of deposits after a bank is insolvent is also included. Ohio ['04 p.266] amended her law so that reports from banking institutions shall be required *at least twice annually* instead of on the first Monday of April and October. South Carolina adopted an amendment ['04 ch.215] providing for quarterly statements from private as well as chartered banks and for the publication of all bank statements in a newspaper of the city, town or village in which the bank is located. Louisiana ['04 ch.100] authorized state banks to issue interest-bearing time deposit certificates.

Trust companies. In 1902 the Legislature of Massachusetts provided for the appointment of a commission to investigate and report a general law for the formation of trust companies. The law ['04 ch.374] enacted by the Legislature last year was presumably thus prepared, though I have no information on that point. It is devoted chiefly to provisions relative to the procedure to be followed in the incorporation of such companies and to the maintenance of a reserve fund. At least 15 persons are required to form such a corporation. They must give notice of their intention to the Board of Commissioners of Savings Banks, who, after publication of such notice for three successive weeks in one or more newspapers of the city or town in which the new establishment is to be located, and after the receipt of an application, may grant or refuse a certificate stating that public convenience and advantage will be promoted by the establishment of such trust company. The certificate of incorporation is granted by the secretary of the commonwealth.

The intention of the act seems to be to grant large discretionary powers to the Board of Commissioners of Savings Banks in the matter of permitting or refusing the incorporation of such companies. The capital stock is not fixed in amount, the only provisions pertaining thereto requiring the proposed incorporators to

state in their petition to the board the amount of their capital stock and the number of shares into which it is to be divided, and to have paid the full amount subscribed in cash before the certificate of incorporation is granted. The refusal of the board to permit the existence of such a company apparently may be the result simply of the belief of its members that public convenience and advantage will not be promoted by its formation. The absence of provisions defining the powers and scope of the business of such companies seems also to leave to this board the decision whether the business proposed by the association in question is really to be regarded as that of a trust company or not.

Section 7 of the act implies that such companies may carry on the business of commercial banking, inasmuch as it provides that a reserve must be kept of 15% of deposits withdrawable on demand or within 10 days; that at least one third of such reserve shall be in lawful money; that not less than one half of the remainder may consist of balances payable on demand due from any national banking association in Massachusetts or New York city; and that the remainder may consist of United States and Massachusetts bonds which are the absolute property of such corporation, and which shall be computed at their par value.

During the past year the Legislature of New York passed two acts amendatory of her laws pertaining to trust companies, one ['04 ch.492] prohibiting foreign trust companies to do business in the state, and the other ['04 ch.479] making the provisions of her law regarding the investment of capital and deposits apply also to the surplus and undivided profits. Iowa ['04 ch.65] imposed the same capital requirements on trust companies that apply under her laws to savings banks; and Kentucky ['04 ch.78] changed her capital requirements so as to prevent the organization of such companies in counties having less than 25,000 inhabitants and to raise the minimum capital requirement in counties of over 40,000 inhabitants from \$50,000 to \$100,000. Minor amendments were also passed in Maryland ['04 ch.92, 101 and 251].

Savings banks. Regarding savings banks the only legislation of the year worthy of note here originated in the New York and Massachusetts Legislatures. The former state ['04 ch.568] authorized the establishment of so called "school savings banks" by providing that any principal, superintendent or other person designated by the board of education or other school authorities, may collect savings from students and deposit them in some savings bank to their credit, or, in case the amounts are too small, to

his own credit till they become large enough to be transferred to that of the student. The act further amends those provisions of the law relative to the use of the term savings bank so as to permit the employment in circulars or otherwise of such expressions as "school savings banks" or "system of school savings banks" as descriptive of the processes and methods of saving authorized by this act.

The Legislature of Massachusetts passed two amendments, one ['04 ch.208] permitting the investment of the funds of savings banks in bonds of incorporated water districts of any of the New England states or in the bonds or notes of any of the cities of those states whose net indebtedness does not exceed 5% of the last preceding assessed valuation of the property within its limits, or in the bonds or notes of any county or town whose indebtedness does not exceed 3% of such valuation. The second amendment ['04 ch.210] permits savings banks to invest in the notes of private citizens of Massachusetts, provided they are secured by the bonds of street railway companies of the classes in which savings banks are permitted to invest under existing laws.

Investment companies. The three general laws regarding investment companies referred to above possess interesting features of resemblance and of difference. All three attempt a definition of the kinds of business conducted by this class of companies, provide for some sort of guaranty of financial soundness through deposits of securities with some state officer, give such officer or officers authority to examine into their condition, and under certain circumstances to wind up their affairs.

The definition of powers contained in the Georgia statute ['04 p.74] is as follows: "Every corporation of the character generally known as investment companies, organized, or which may be hereafter organized under the laws of this state for the purpose of conducting a business of placing or selling certificates, bonds, debentures, certificates of interest, or investment securities of any kind on the partial payment, instalment or any other plan of payment, and providing for the redemption and retiring of the same, or any part thereof." The Iowa law ['04 ch.66] puts the matter as follows: "The term 'association' when used in this act shall mean any person, firm, company, partnership, association or corporation other than building and loan associations and insurance companies and associations, which issue stocks on the partial payment or instalment plan. The term 'issue' shall mean issue, sell, place, engage in or otherwise dispose of or handle. The term

'stock' shall mean certificates, memberships, shares, bonds, contracts, debentures, stocks, tontine contracts, or other investment securities or agreements of any kind or character issued upon the partial payment or instalment plan." In the Massachusetts law [04 ch.427] the statement is: "The business of issuing, negotiating or selling any bonds, certificates or obligations of any kind on the partial payment or instalment plan, unless such bond, certificate or obligation shall at the time of issuance, negotiation or sale be secured by adequate property, real or personal, shall be transacted in this commonwealth only by corporations subject to the requirements of this chapter."

As a guaranty of soundness and good faith the Georgia law requires the maintenance of a reserve fund equal to 75% of the amount collected in premiums, such fund to be invested in real estate, liens on real estate, United States, state, city, town or county bonds, or any other security approved by a majority of the board of directors, and the deposit of \$25,000 in cash or in such securities with some state depository or trust company. The Iowa law requires the deposit of an approved bond or of \$25,000 of approved securities before the beginning of business, and, at the end of the calendar year in which business is begun, of an amount of securities equal to all its liabilities, but not less than \$25,000. The Massachusetts law [04 ch.427] requires a fully paid-up capital of \$100,000 in cash or in securities such as savings banks are permitted to invest in, such securities to be deposited with the state treasurer or some other duly authorized officer.

All three states authorize some officer to make examinations into the affairs of the companies at the latter's expense; require annual statements and an annual license fee, in Georgia of \$50, in Iowa of \$10 (after the first year, in which the fee is \$25), and in Massachusetts of \$20; and provide for the withdrawal of the license, but on different conditions. In Georgia the governor must revoke the license if upon examination the assets of the company shall not be sufficient "to equal in value the reserve fund contributed by every contract in force, plus the interest at 3½% a year, compounded annually." In Iowa the auditor of state may revoke a company's certificate authorizing it to do business in the state "if upon such examination, it shall appear that such association does not conduct its business in accordance with law, or if it permits forfeiture of payments by persons holding its stock, after three years from the issuance of said stock or provides for the payment of its expenses other than from earnings, or that any

profits, advantage or compensation of any form or description is given to any member or investor over any other member or investor of the same class, or if beneficiaries are selected or determined or advantages given one over another by any form of chance, lottery or hazard, or if certificates of stock are by their terms or by any other provision to be redeemed in numerical order, or by any arbitrary order or precedence, without reference to the amount previously paid thereon by the holder thereof, or that the affairs are in an unsound condition, or if such association refuses such examination to be made." In Massachusetts the commissioners of savings banks are required to suspend the right of domestic companies to do business so long as they refuse to file the annual statements required by the law after due notice of such failure has been served upon them, and in the case of a foreign company they are required to order such suspension of business if it is "in an unsound financial condition," or "has failed to comply with the law or if its officers or agents refuse to submit to examination or to perform any legal obligation relative thereto." Aside from this the penalties for violations of the law are a forfeiture of \$100 a day during the period of neglect to furnish the required statement and a fine of not more than \$500 for violating any provision of the act. In this connection section 6 of the law should be noted. It reads as follows: "Every corporation subject to the requirements of this chapter shall provide in every bond, certificate or contract issued by it that, after one fourth of the total amount of instalments therein required has been paid and in any event after instalments for two full years have been paid thereon, in case of default in the payment of any subsequent instalment a paid-up bond shall be given to the holder of said bond, certificate or contract, of not less than the full amount paid thereon less any amount paid by said corporation on account thereof, said paid-up bond to mature at the same date as the original bond, certificate or contract; and no such corporation shall provide for the payment of profits in the form of dividends or otherwise, except from earnings, nor pay any part of the payments made by the holder of any bond, certificate or contract in force to the holder of any other bond, certificate or contract: *provided, however*, that nothing herein contained shall be construed to prohibit the payment of accumulations by such corporation on its contracts at their final maturity."

Pawnbrokers. Regarding pawnbrokers the most important legislation of the year was that of Ohio which passed a general law ['04 p.134] regulative of this branch of business. It provides

that companies may be incorporated for the purpose of making loans upon pledges and mortgages of goods and chattels, but that such associations shall not receive money on deposit or engage in the business of banking. The maximum capital permitted is \$500,000 and the minimum \$20,000, of which, however, only \$5000 must be paid in. Loans must be made on goods and chattels in the order in which they are offered, the only discrimination permissible being in favor of small loans to the indigent. The amount loaned must not exceed four fifths of the appraised value of gold and silver plate and ware and two thirds the appraised value of other goods and chattels. The interest charged must not exceed 8% a year plus 10% for insurance and expenses of all sorts. Pledged property must be redeemable at all times before the maturity of the loan, and, if not redeemed, must be sold at auction, and the net surplus kept for the owner for a period of three years, after which it forfeits to the company.

In this connection may be appropriately summarized the provisions of a New Jersey law ['04 ch.96] pertaining to provident loan associations. The loans provided for by this act resemble those of pawnbrokers more closely than any others, though they are to be made to those persons only who are deemed to be in need of pecuniary assistance and are not supposed to be a source of great profit to the association making them. It provides for the incorporation of associations with a capital of not less than \$2000, of which at least \$1000 shall be paid in, for the purpose of loaning money on pledges or mortgages of personal property and other lawful securities to persons deemed to be in need of pecuniary assistance. The rate on such loans must not exceed 2% a month for a period of two months or less and 1½% a month thereafter, and no dividends above 6% are permitted. After the accumulation of a surplus equal to 15% of the capital, profits in excess of 6% shall be used to lower the rate of interest charged, such reduction to be made by the commissioner of banking. The directors of such an association are not personally liable for its debts and are not allowed to receive pecuniary compensation for their services. The commissioner of banking is authorized to make examinations into the condition of such associations at any time and may apply to the courts for their dissolution in case he finds them insolvent or oppressive in the methods of conducting their business, or in violation of the law.

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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 250

Agriculture (general) E. W. Allen
Horticulture: Diseases and Pests E. P. Felt
Domestic Animals E. V. Wilcox

AGRICULTURE¹

**E. W. ALLEN PH.D. OFFICE OF EXPERIMENT STATIONS, UNITED STATES
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There was no very extensive legislation relating to agriculture and agricultural institutions during the year 1904. Provision was made for a state commissioner of agriculture, commerce and immigration in South Carolina, which previously had no state officer in charge of its agricultural interests. The state has been among the last to provide such an officer, Mississippi now being the only remaining state in the south with neither a commissioner nor a state board of agriculture. Two new branch experiment stations were established by legislative action in Mississippi and one in Ohio. The fertilizer laws of several states were amended, and feeding stuff laws were passed for the first time in Louisiana and Ohio.

Unfortunately the tendency of the legislation of the past year relating to the control of traffic in fertilizers and commercial feeding stuffs was not in the direction of the uniformity which has been sought in the past and has been quite widely advocated. Some of the amendments provided during the year have little to commend them, and there is danger that they will hamper the legitimate business of manufacturers and dealers by unnecessary restrictions. The prime object of the inspection laws is to protect buyers from fraud by requiring a guaranty of composition and quality, and maintaining an inspection; but the laws of some of the states now go so far as to fix arbitrarily the limits within which the terms "high grade" and "standard" may be used, to limit the grade of complete fertilizer which may be sold in the state, and even to require the manufacturer to tag each parcel of fertilizer with a monetary valuation calculated by the state inspection official. The simpler laws allowing greater freedom of commerce in these articles and affording less annoyance to the trade have proved quite as efficient in states where they have long been tried,

¹See also Governors Messages and Index of Legislation, 1822.

as these more stringent laws with provisions of doubtful expediency or constitutionality are likely to prove.

State departments. In Massachusetts the proposition outlined in the message of Governor Bates to make the present board of agriculture merely advisory and to create a commissioner of agriculture, with deputies in charge of the cattle, dairy and forest interests did not materialize as considerable opposition to the change was developed. In Louisiana an amendment was passed ['04 ch.194] providing that beginning with 1908 the commissioner of agriculture and immigration is to be elected by popular vote, instead of appointed by the governor as at present. South Carolina passed an act ['04 ch.259] creating a state commissioner of agriculture, commerce and immigration, similar to those of adjoining states, with the object of promoting the industrial development of the state. In Virginia the statutes relating to the meetings of the Board of Agriculture and Immigration were amended ['03 ch.516] so as to provide for regular semiannual meetings.

Associations and fairs. In Ohio a statute was passed ['04 p.60] recognizing county societies as bodies corporate and politic, capable of suing and being sued, holding in fee simple such real estate as they have purchased and allowing them to mortgage the grounds of the society, with the consent of the county commissioners provided the property was originally purchased with the aid of funds of the county treasury. The same state also passed an amendment ['04 p.297] relative to the purchase or lease of new sites for holding county fairs. Societies may sell their site for holding county fairs when it is deemed advisable to change the site, giving due notice to the county commissioners in case the county originally contributed toward the purchase of the site. The society may select new tracts to be purchased by the county commissioners, who may issue bonds for the purpose if necessary, the issue of bonds to be ratified by popular vote.

Iowa ['04 ch.150] made an appropriation of \$47,000 for the erection of a permanent fireproof building on the state fair grounds for agricultural, horticultural and dairy exhibits. In Maryland an act was passed ['04 ch.141] providing for the dissolution of the Maryland Mechanical and Agricultural Association, incorporated in 1867, the sale of the lands and other property belonging to the association, and the division of the proceeds among parties entitled thereto, the association not having held any exhibitions for several years past and having in the terms of the act "failed in the purpose for which it was created." In New York the agricultural law

relative to the time of holding the State Fair was amended ['04 ch.447] so as to provide that the State Fair shall not be held on Labor day.

Farmers institutes. The interest in farmers institutes and in their more liberal maintenance by the states increases steadily. While no very important legislation was enacted during 1904, the influence of the institute work in the state was felt in the introduction of bills into the Legislatures of 1904-5 in a number of states, with much promise of success. In several cases these measures propose for the first time to make provision for the maintenance of institutes.

The first institutes in Georgia were held last year, and as a result the Legislature during the summer passed a bill making an appropriation for the institute work. In Maryland ['04 ch.557] the state appropriation for institutes was increased from \$4000 to \$6000 a year.

Experiment stations. The bill before the House of Representatives to increase the federal appropriation for state experiment stations from \$15,000 to \$30,000 for each state, failed to receive consideration though a strong sentiment in favor of it was developed throughout the country and a large proportion of the representatives had declared themselves in favor of it. The usual state appropriations for the maintenance of the stations and the erection of necessary buildings were passed, there being a considerable increase in a number of instances.

In Mississippi the establishment of two branch experiment stations was authorized ['04 ch.84, 85], one in the northwestern part of the state and the other in the Yazoo and Mississippi delta region. The Legislature of Ohio authorized the establishment of an additional test farm to be located in southeastern Ohio. This farm has since been located in Meigs county about 18 miles south of Athens, to study the agriculture of the hilly counties. The total state appropriation for the Ohio station was \$36,850. The Iowa station received an addition to its maintenance fund of \$15,000 annually, \$3500 annually for good roads investigation, and the college with which it is connected received an aggregate of \$84,000 for the dairy department, including a new dairy building and equipment and a new dairy farm, which will aid the station very materially in its dairy investigations.

In New York, after a severe fight with other universities in the state, an appropriation of \$250,000 was secured for buildings for the agricultural department of Cornell University, thus recognizing the claims of this department on the state. The reorganization of

the College of Agriculture has already strengthened the experiment station, and the new buildings provided for will materially improve its equipment. The Legislature of Vermont appropriated \$60,000 for the erection and equipment of an agricultural building which has been greatly needed by the agricultural department of the State University and the State Experiment Station.

In New York the law relating to the board of control of the State Experiment Station was amended ['04 ch.439] with reference to the representation on the board. The new law makes the commissioner of agriculture a member of the board ex officio, and provides for seven members to be appointed by the governor instead of nine as formerly, the appointed members to serve for three years. The duties of the board, with reference to the appointment of members of the station staff and the management of the work, are more definitely defined than formerly, as well as the objects of the experiment stations. The annual report of the experiment station is made a part of the report of the state commissioner of agriculture. Another act ['04 ch.570] authorizes the station to publish bulletins reporting the results of its analyses in connection with the inspections authorized by previous acts, it having developed in the course of the year in connection with a controversy involving the station that there was no authority in law for the publication of the results of inspection of fertilizers.

In Alabama the statute relating to the board of control of the branch agricultural experiment stations and schools was amended ['03 p.259] so as to include five appointees on the board instead of three from the congressional district where the school is located, and so as to give the professor of agriculture of the Alabama Polytechnic Institute a part in the direction of the course of study and experimentation.

Commercial fertilizers. While there were no new laws during the year relating to the control of the trade in commercial fertilizers, there were a number of important amendments to existing laws. The fertilizer law of Alabama was revised, the new law ['03 p.78] containing several new provisions and restrictions. The most important among these requirements are the provision that the guaranty filed with the commissioner of agriculture shall state the source from which the nitrogen, phosphoric acid and potash are derived, the prohibition of the sale of leather as a fertilizer, and the limits fixed to the use of the terms "high grade" and "standard" fertilizers. The sale of complete fertilizers is restricted to those containing at least 12% of total plant food. The same state also

amended ['03 p.65] its fertilizer law so as to reduce the tag tax to 3 cents (formerly 5 cents) and give to the Alabama Polytechnic Institute one third (formerly one sixth) of the net proceeds from the tag tax, mentioning among the uses which may be made of this money by the institute the establishment of a department of animal industry.

An amendment to the Kentucky law ['04 ch.84] makes the very unusual provision that the labels or tags which are issued by the experiment station to fertilizer manufacturers shall contain, in addition to the analysis of the fertilizer, an estimated value of the fertilizer per 100 pounds on the basis of the analysis. The publication of valuations in connection with the results of the fertilizer inspection has been strongly opposed by fertilizer manufacturers and dealers in the past, and has been so generally conceded to be somewhat questionable that the tendency of recent fertilizer legislation has been to eliminate the valuation clause. The provision of the new Kentucky amendment to require the valuation to be stated on the tag is a radical departure and is probably the only requirement of the kind in the country.

Mississippi supplemented its present fertilizer law by a new act ['04 ch.111] requiring all fertilizers, except cotton seed products, to be branded either "high grade," "standard," or "off grade," and defining the meaning of these terms in percentages of potash, nitrogen and phosphoric acid. No complete fertilizer containing less than 12% of total available plant food is to be offered for sale in the state. The New York fertilizer law was amended ['04 ch.567], placing the enforcement of the law in the hands of the commissioner of agriculture (formerly the director of the agricultural experiment station) and providing for the publication of the results of the inspection for which there was formerly no authority.

The South Carolina law was amended ['04 ch.275] so as to cover cotton seed meal, and a new penalty clause for shortage in weight provided. The sale of cotton seed meal containing less than 6.18% of nitrogen, 1.5% of phosphoric acid, and 1% of potassium oxid is forbidden, except in the case of sea island cotton seed meal, for which a minimum percentage is to be determined on by Clemson College. Cotton seed meal which does not meet the above requirements may be sold as "low grade meal."

Commercial feeding stuffs. Legislation providing for the control of sale of commercial feeding stuffs is steadily spreading throughout the Eastern States. Laws are now in force in all the New England States, in New York, New Jersey, Pennsylvania, Maryland,

Indiana, Tennessee and Wisconsin; and new laws were passed during the year in Louisiana and Ohio.

The Louisiana law ['04 ch.153] is an unusually detailed one and contains many provisions not generally covered by such laws. The execution of the law is in charge of the commissioner of agriculture and immigration. Vendors are required to submit samples of their goods to the commissioner for analysis, together with a statement of the general character and composition of the goods prior to entering the state, on the basis of which a certificate is to be issued. The goods must be labeled and guaranteed as to the percentage of protein and of fat, and the vendor must give notification of each shipment of goods into the state, samples of which are to be taken by the inspector for analysis. Samples are also to be taken by the inspectors of all commercial feeding stuffs sold in the state wherever found, and any purchaser may require a sample to be taken by the seller and submit the same for inspection. The sale of fraudulent feeding stuffs, among which are included goods which have not been tagged or inspected, is forbidden, and bills for such goods can not be collected in the state. A tag tax of 25 cents a ton is provided, and the results of the inspection are to be published annually by the commissioner of agriculture. Heavy penalties are imposed for failure to secure a certificate or to properly guarantee and tag the packages, and for counterfeiting tags or using them a second time. The commissioner of agriculture and immigration may attach any goods not sold in conformity with the law, to cover fines and penalties due for their illegal sale, which may be sold to satisfy judgment after being sampled and guaranteed. The proceeds from the tag tax, fines and penalties are to be used to defray the expenses of the inspection and for "making practical and scientific experiments with commercial feeding stuffs to test their virtue and value." The net proceeds are to be divided between the three experiment stations of the state "as compensation for all analyses, tests, and experiments required." The director of the stations is made the official chemist of the Louisiana Board of Agriculture and Immigration.

The Massachusetts law was amended ['04 ch.332] so as to make the appropriation of \$3000 for the feeding stuff inspection an annual appropriation.

The New York law was changed ['04 ch.558] so as to place the administration of it in the hands of the commissioner of agriculture instead of the director of the State Experiment Station as formerly, who will collect the samples for analysis to be made by the State Experiment Station. Duplicate samples are to be taken in each

case, one sample being left with the vendor of the goods sampled, and the other sent for analysis. The application of the law is broadened to include proprietary and patented stock and poultry foods, dried distillers grains, dried beet refuse, etc., but excluding brans. The license fee of \$25 is to be paid to the commissioner of agriculture and used for defraying the expenses of the inspection. The penalty clause has been repealed.

The new Ohio law ['04 p.395] is similar to the amended New York law, but requires the guaranteeing of crude fiber in addition to protein and fat. The execution of the law is in the hands of the secretary of the State Board of Agriculture, who collects the license fee of \$25 a year, issues certificates, collects samples and has analyses made of each brand of commercial feeding stuffs. Penalties are provided for selling goods below the guaranty by more than 2% of protein or of fat, or in excess by more than 2% of fiber. Bran, middlings and ground grain, which are exempt from the inspection, if adulterated are to be marked with the proportion of adulterants used, failing which penalties are provided. The State Board of Agriculture is to publish the results of the inspection annually, together with a statement of the expenses of the inspection; and any surplus is to be placed to the credit of the agricultural fund.

HORTICULTURE: DISEASES AND PESTS'

E. P. FELT D.S.C. NEW YORK STATE ENTOMOLOGIST

New horticultural laws have been enacted or existing ones strengthened in the Southern States, largely because of the great danger of the boll weevil invading the entire cotton-growing area, and horticultural statutes have been strengthened in a few of the Northern States. Alabama has enacted a general law ['03 p.146] creating a State Board of Horticulture, making the state horticulturist the executive officer and providing for the inspection and adequate treatment of nursery stock. New Jersey ['04 ch.47] has further defined the method of procedure under its horticultural law and amended it so that actions may be brought in every District Court and before every justice of the peace, and empowering court officers to serve processes or executions. The principal amendments to the Ohio law ['04 p.172] empower the State Board of Agriculture to make necessary regulations, and authorize the establishment of a division of nursery and orchard inspection. Nurserymen are required, under penalty, to apply for inspection and must file a sworn statement that their stock has been duly inspected; this does not apply to persons selling or delivering stock from nurseries holding a certificate. The chief inspector is authorized to issue a certificate of fumigation, and stock shipped into the state must bear an inspection or fumigation certificate. Rhode Island ['04 ch.1159] creates the office of state nursery inspector, provides for inspection and fumigation of all nursery stock and prohibits the entry into the state of any not so treated. Georgia ['04 p.19] has amended its horticultural law, making increased appropriations for inspection work and providing for strict quarantine against all materials likely to be infested by the cotton boll weevil. The entomologist is also required to attend horticultural and agricultural meetings and to investigate fungus diseases.

Boll weevil. The serious condition in the South led the president, in his message, to call attention to the matter and suggest to Congress prompt enactment of remedial legislation. The situation was so acute that Governor Heard of Louisiana called a special session to consider measures to prevent invasion by the boll weevil, and in response thereto the Legislature ['03 ch.6] created a crop pest commission, giving the same full and plenary power to deal with all crop and fruit pests and providing penalties for bringing into the state any material infested by the cotton boll weevil. Provision is made for prosecutions, for the publication of rules and of bulletins giving

¹See also Governors Messages and Index of Legislation, 1842.

information, and authority is conferred to make inspections and destroy affected crops. Alabama [’03 p.403] prohibits, under penalty, the importation of any cotton or seed from places where the boll weevil occurs. Georgia, as noted above, provides for the exclusion of this pest, and Mississippi [’04 ch.45] appropriates \$10,000 and empowers the entomologist of the Agricultural Experiment Station to prevent in every possible and practical way, the introduction of the Mexican cotton boll weevil. He is authorized to adopt rules and regulations, enforce quarantine, and he is required to make a full report to the Legislature of 1906. South Carolina [’04 ch.265] provides penalties for the importation of any material containing living boll weevils.

Résumé. The experience of the last five years has enabled most states to perfect their horticultural laws in a very satisfactory manner and, as a consequence, comparatively few amendments are necessary. A few have enacted general laws, largely for the purpose of facilitating the shipment of nursery stock, since most states require certificates of inspection or fumigation. There is now a tendency to accept fumigation certificates in place of the ordinary nursery inspection.

The boll weevil situation in the South has resulted in considerable legislation designed to prevent the introduction of this pest into uninfested areas, and the recent experience of the Northern States in quarantine legislation is being duplicated in the South, though the opportunity for annoying conflicts in regulations is not so great in the case of the boll weevil as in nursery inspection. The presence of the boll weevil in the South, the gipsy moth and the brown tail moth in the North, and the somewhat general dissemination of the San José scale in many of our Eastern States, makes it advisable to consider the problem of horticultural quarantine legislation in a broad way, particularly as the number of dangerously injurious pests are likely to increase rather than diminish in the next decade or two. Diverse regulations adopted by various states have inflicted unnecessarily perplexing restrictions on interstate commerce, and where a pest occurs in one or more states, as for example, the boll weevil or the gipsy moth, it is difficult to secure equable cooperation between interested commonwealths. This problem, in its varying phases, could be handled more efficiently by a central authority, and the most logical solution would be to empower the secretary of agriculture to deal with this situation in much the same way as contagious diseases of cattle, like Texas fever and foot

and mouth diseases, are treated. We do not intend to imply by the above that insect outbreaks are necessarily as serious as the above mentioned diseases of cattle, or that the same drastic measures should be adopted, but insects entail enormous losses and general economic considerations should lead to the adoption of some such method, which would give a maximum relief with minimum expense and annoyance.

DOMESTIC ANIMALS¹

E. V. WILCOX PH.D. OFFICE OF EXPERIMENT STATIONS, UNITED STATES
DEPARTMENT OF AGRICULTURE

In so far as the phase of the problem of domestic animals discussed in this Review is concerned the legislation passed by the various states during 1904 related only to running at large, impounding, fences, ownership, sale, and the regulation of dogs. During the year laws on these subjects were enacted in six states. Some of these laws were new legislation, while others were in the nature of amendments or restrictions to existing laws.

Running at large. In Alabama ['03 p.431] a law was enacted empowering the county commissioners or courts to appoint committees for holding elections to determine the establishment of stock districts through the state. According to this law the establishment or nonestablishment of stock districts is a matter of local option. In organized stock districts it is unlawful to allow stock to run at large. It, therefore, becomes necessary to establish the boundaries of these districts, particularly where they are surrounded by regions in which no law prevails regarding the running at large of stock. The law provides that stock found running at large in the stock districts may be taken possession of and sold if not claimed by the owner after legal notification. A law was also passed [Ala. '03 p.365] making it unlawful to permit horses, mules, jacks, cows, hogs, sheep or goats to run at large in any city or town in the state of 5000 inhabitants or more. The Louisiana Legislature ['04 ch.60] passed a law authorizing cities of over 2000 population to regulate the movements of stock or prohibit all kinds of animals from running at large in the corporate limits of such cities.

Ownership. In order to prevent stock theft and illegal sale of stolen animals, the Alabama Legislature passed two acts. One of these ['03 p.418] makes it unlawful to sell or buy cattle between the hours of sunset and sunrise. The other ['03 p.419] requires every butcher to keep a written record of all cattle killed by him showing color, earmarks, brands, and other data which may be of service in identifying the cattle and their owners.

Dogs. In Iowa an act was passed ['04 ch.81] more clearly defining the meaning of §2340 of the Code which provides that dogs caught injuring or attempting to injure man, sheep or other domestic animals may be lawfully killed.

In Massachusetts ['04 ch.105] the keeping of bloodhounds except solely for exhibition is prohibited. Even in such cases it is required

¹See also article on Contagious Diseases of Animals.

that the dogs in question be kept securely inclosed or chained and shall not be allowed at large even in charge of the owner or keeper unless properly muzzled. In the same state ['04 ch.127] an amendment was passed to '02 ch. 226, providing penalty for allowing dogs to worry or kill lambs, fowls or other domestic animals, in addition to those which had already been mentioned in the original act. An amendment was also passed [Mass. '04 ch.142] to R. L. §155 ch. 102 authorizing county commissioners or the chairman of the selectmen of the town to investigate damages done by dogs and to take part in enforcing such laws. R. L. ch.102 §151 providing that the damage done by dogs shall be appraised under oath by three persons and providing for the methods of redress on the part of injured persons was also amended [Mass. '04 ch.283].

Ohio R. S. §2833, 4215 regarding taxes on dogs and injuries by dogs were amended ['04 p.275]. This amendment provides that the money derived from dog taxes shall constitute a special fund to be used in the payment of sheep claims and that if any money is left over after the payment of such claims it shall be paid to the recognized officers of societies for the prevention of cruelty to children and animals in all counties in which such societies exist. The method of legal procedure in making sheep claims or in claiming damages for personal injuries is also outlined.

In South Carolina ['04 ch.272] an act was passed imposing a capitation tax of 50 cents a year on all dogs in the state. The proceeds derived from this tax are to be expended for the support of schools in the counties in which the taxes are collected.

It is thus apparent that the general tendency of all these laws in the different states was toward a more thorough protection of the public against injuries or damage from domestic animals. The rights of the public to be protected against animal trespass and against actual dangers such as are incurred from dogs are recognized more and more by state Legislatures and are being forced on the attention of the reading masses. Naturally the nuisances and injuries caused by dogs are far greater than in the case of other domestic animals and therefore greater attention has been given by the Legislatures to a consideration of the regulation of dogs.

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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25P

Forestry	G. W. Woodruff
Game	T. S. Palmer
Fish	Barton W. Evermann and M. C. Marsh

FORESTRY¹

G. W. WOODRUFF, BUREAU OF FORESTRY, UNITED STATES DEPARTMENT OF AGRICULTURE

During 1904 Louisiana [04 ch.113] and Massachusetts [04 ch.409] each provided for state forest administration. These two laws furnish a good example of the different forms which state forest legislation is taking. Louisiana provided for a state forestry commission of five members and that the register of the State Land Office, who may know nothing about forestry, should be ex officio commissioner of forestry with an increase in his salary of \$500. The other members are to serve without pay, though \$100 is allowed each for expenses. Massachusetts provided for a technically trained state forester who is to devote all his energies to state forest interests; his salary to be \$2000. It is a fact worthy of note that no definitely valuable result has been obtained from the employment of ex officio officers in forest administration; and, although Louisiana's law is to be hailed as a step forward, and as an evidence of aroused interest in the care of timber lands, it is safe to predict that, till a competent forester shall have been provided, the forest interests of the state will not have the kind of care that they require. The Massachusetts forester will strive actively to enforce the forest and tree laws of the state, and will carry on an educational campaign, both as a member of the Agricultural College faculty and as a general lecturer throughout the state. He will also cooperate with private timber owners in providing such care for their forest areas as will bring the best permanent business return, and will conduct experimental tree planting upon land in the state which is practically valueless for other purposes than forest growth.

Forest fires were not so numerous nor destructive in 1904 as in 1903, a fact that is partly attributable to the forest legislation enacted during the earlier year. Louisiana's law noted above will, if properly enforced, save the state from great loss in this direction. It provides that a chief fire warden, at a salary of

¹See also Governors Messages and Index of Legislation, 1890.

\$500, shall be appointed by the forest commissioner; that the police jurors of the parishes shall be fire wardens with a compensation of \$2 a day while on active duty; that careless setting of fires shall be punished by a fine not exceeding \$100 or three months imprisonment, and malicious setting of fires by a fine of not more than \$500 or imprisonment for not more than 10 years, or both. The former penalties are also provided for persons leaving fires unextinguished in or near forest lands. Fire wardens may compel the assistance of all able-bodied citizens over 18 years, under penalty of \$100 fine or three months imprisonment for refusing to render such assistance, but the total expense, which the chief fire warden may incur for fighting fires, is limited to \$5000 a year.

New York, profiting by disastrous experience in 1903, added some valuable features to its fire law by providing ['04 ch.590] for five assistant fire wardens, at salaries of \$600 each, to patrol during the fire-dangerous seasons, the lines of railroads which traverse the forest preserve. It was also provided that such railroads must bear one half the expense of such special patrol as the chief fire warden may deem necessary to control fires started by locomotives and that the Railroad Commission must require, when the public interest demands it, that railroads adopt devices and use precautions against setting fires in the forest preserve. The definite provision for fire patrol contained in this act, is one of the greatest advances in forest fire legislation, since a patrol often prevents the starting of fires, or discovers them soon enough to avoid serious loss.

New York passed other important laws as follows: one ['04 ch.233] definitely defining the boundaries of the Catskill park; another ['04 ch.304] defining the boundaries of the Adirondack park; another ['04 ch.717] providing that \$200,000 may be expended in enlarging the Adirondack park and \$50,000 for the same purpose in the Catskill park, thus continuing the laudable efforts of the state to secure a large and valuable tract of forest for the benefit and pleasure of future generations.

The New York Legislature took the first step ['04 p.1934] toward amending art. 7 §7 of the Constitution, which provides that the forest preserve shall be maintained forever as wild forest land and that no timber whatever shall be cut within its limits. This constitutional provision had been adopted in 1894 because of a fear that lumbermen would be allowed to despoil the park as wastefully as is the custom on private timber lands. The proposed

amendment, which has passed its preliminary stage, provides that timber killed by fire may be removed by state officials and sold, if such action is necessary for reforestation. It is not considered a wise measure and there is a general wish that it may never be adopted. The national government has had an unfortunate experience with laws which permit the cutting of fire-killed trees on the forest reserves and Indian reservations, the forest being often burned wilfully in order to kill the timber for the purpose of subsequently acquiring it. Article 7 of the state constitution should be amended, but not in the way proposed. The cutting of dead timber, and of mature trees should be allowed, but the work should be so rigidly controlled and restricted that the forest will be maintained as a source of timber supply, and the value of the preserve in no wise lessened as a water conserver and a health and pleasure resort for all the people.

Only two other laws were passed since the sessions of 1903: Alabama ['03 p.390] providing a penalty of \$10 a tree for boxing, girdling or otherwise destroying trees belonging to another; Louisiana ['04 ch.188] declaring that timber shall be considered an immovable and be subject to the law for immovables, even when it is separated in ownership from the land on which it stands.

In their messages, President Roosevelt and the governors of Florida, Massachusetts, New York, Ohio and South Carolina all urged that attention be given to the need for more effective forest protection. In most cases the Legislatures took active steps toward carrying out these suggestions. Since the close of the 1904 sessions, the governors, or prominent legislators, of more than 20 states and territories have asked the Bureau of Forestry of the United States Department of Agriculture for advice and assistance in drafting proper forest laws to be introduced in 1905.

The apparent lull in legislative activity during 1904 was not due to a decreased interest in forestry, but to the fact that only a small number of states held legislative sessions. A widespread interest in this subject is manifested throughout the country, and there is every indication that 1905 will bring an unprecedented amount of forest lawmaking, and that laws of unusual value will be enacted.

GAME¹

T. S. PALMER, BIOLOGICAL SURVEY, UNITED STATES DEPARTMENT
OF AGRICULTURE

The record of game legislation of 1904 is meager beside that of 1903 but more satisfactory in comparison with that of 1902 with which it is more nearly comparable. Twelve of the 17 states which held legislative sessions made some amendments or additions to their game laws and the only sessions at which no changes were made were those of Alabama, Georgia and South Carolina and the short extra sessions of Montana and West Virginia. In addition to the general statutes the 17 local acts of Maryland and the changes affecting certain counties in New York are taken into consideration the total number of game laws passed during the year will be increased to 70 or more. In addition to these acts reference should be made to the regulations of the secretary of agriculture affecting Alaska, to the decisions of the Supreme Courts of Arkansas and Nebraska declaring certain features of existing laws unconstitutional, and to the governors messages containing recommendations in regard to new legislation.

Governors messages

The Governor of Louisiana recommended a law prohibiting absolutely the capture or destruction of song birds of the state, and such changes in the laws affecting game as were needed to give more adequate protection. Both of these recommendations were favorably acted upon and the bills protecting game and nongame birds mark a long step in advance in the history of game legislation of the state.

The governor of Maryland called special attention to the multiplicity of local laws and the resulting confusion, which seriously interfere with enforcement and render observance difficult even on the part of those who desire to obey them. But in spite of the generally recognized inefficiency of the county system and the governor's recommendations for more uniformity, efforts in this direction failed utterly except in the case of the game warden bill. Seventeen new local laws were enacted and while several

¹This record exceeds somewhat the scope of the Comparative Summary and Index, as it extends to the close of the calendar year 1904, thus including the acts passed by Vermont and a decision of the Supreme Court of Arkansas rendered in October, and contains references to local laws and departmental regulations affecting game. *See also* Governors Messages and Index of Legislation, marginal no. 1900

of these were important or corrected defects in old laws, others made but slight changes and simply added to the existing confusion. This failure to bring about greater uniformity is somewhat surprising in view of the success which attended similar efforts in this direction in Tennessee and Virginia in 1903, and the fact that the movement in Maryland was directed by the Fish and Game Protective Association whose influence extends to all parts of the state.

Legislation

General. General game laws were enacted by Louisiana ['04 ch.126] and Ohio ['04 p.463] and a codification of the Maine game laws in the Revised Statutes adopted at a special session of the Legislature in September 1903 took effect on Jan. 1, 1904. Enforcement was made more effective in several states by the adoption of search laws in Massachusetts ['04 ch.367] and Ohio, and by providing new or more efficient warden service in Kentucky, Maryland, New York, Ohio, and Vermont. In Kentucky ['04 ch.68] county fish and game wardens were authorized for the first time, the appointments being made by county judges. In Maryland the warden service was reorganized by legislating all deputies out of office, reappointing new officers, and increasing the state warden's salary from \$500 to \$1200 ['04 ch.346]. In New York the salaries of game protectors were increased from \$500 to \$600 and that of the chief game protector to \$2000 or to \$2500 per annum after five years service ['04 ch.710]. In Vermont the commission of two members which was established in 1892 was replaced by a single fish and game commissioner ['04 ch.118]. In codifying the Maine game law the provision authorizing search was omitted and as a result the enforcement of the law was seriously impaired. It was said that more game found its way to Boston markets from Maine during last season than for several years past, as the deputies were unable to find illegal shipments before they had been smuggled out of the state. In Montana the general game law of 1903 having been declared unconstitutional by the Supreme Court of the state on account of a defect in the title [*State v. Brown*, 74 P. 366], the act of 1897 with its amendments, which was much less comprehensive in several respects, was revived and became effective again in 1904. In Nebraska the Supreme Court declared the provision in the law of 1903 authorizing confiscation of guns used by unlicensed hunters unconstitutional on the ground that it amounted to a confiscation of property without due process of law [*McConnell v. McKillip*, 99 N. W. 505].

in his own state ['04 ch.48]. This system has been tried in Minnesota and New York but has proved a failure in both cases. Ohio reduced its \$25 license fee to \$15 thus leaving Indiana the only state which charges nonresidents \$25 for hunting small game. Maryland passed five local license laws, among which may be mentioned the \$10 nonresident license for hunting on the Patuxent river ['04 ch.509] and the \$1 resident license (the first in the state) for hunting in Somerset county ['04 ch.198]. At the close of the year 32 states and territories¹ had adopted the nonresident license system and 13 states and territories had extended the system to residents.

Restrictions on trade in game. Two important laws were passed affecting trade in game. Massachusetts prohibited possession of shore birds in close season except for storage purposes ['04 ch.369]. She thus practically cut off the spring trade and prevented the destruction of large numbers of these birds on the coasts of New Jersey and North Carolina where formerly they were killed for the Boston market. Kentucky prohibited sale or transportation of wild turkeys, pheasants or grouse, and partridges or quail at all seasons ['04 ch.107]. Mississippi is now the only state in the Union which does not prohibit the export of game, but under the model law referred to above she prohibits both sale and export of nongame birds.

Miscellaneous. The importance of making the game laws better known increases from year to year with the multitude of changes constantly made. It should be incumbent on some officer in every state to collect the laws each year and publish them promptly so that the amendments may become generally known before the opening of the hunting season. In line with such a policy may be mentioned the provisions made by Oregon ['03 p.37] for printing 1500 copies, and by New York ['04 ch.589] for publishing 18,000 copies of their game laws. During the past two years nearly 200,000 copies of the game laws have been distributed by the game commissioner of Illinois.

In the development of her system of state parks New York made a decided advance by creating the Catskill park and defining its boundaries ['04 ch.233], by making provisions for stocking the Adirondacks with elk ['04 ch.587] and by making an appropriation of \$500 for restocking the same region with beaver ['04 ch.674]. She also provided a close season for black bears, except in Essex county, from July 1 to September 30 ['04 ch.630].

¹Including Vermont and Hawaii, but not counting Oregon and Georgia in which licenses must be secured to hunt for market.

A review of the year's legislation would be incomplete without some reference to several retrograde tendencies, among the most important of which were the defeat in Maryland of all general game bills except the game warden bill, the passage in New Jersey of a bill permitting spring shooting of Wilson snipe and extending the seasons for other shore birds and waterfowl, and the passage of a somewhat similar measure in Virginia removing all protection from Wilson snipe. In Louisiana rabbits and hares were omitted from the game list. In Ohio protection was removed from prairie chickens and turkeys, an open season established for doves (previously protected throughout the year), and spring shooting of waterfowl reestablished. Strenuous but futile efforts were made in New York to repeal the act of 1901 prohibiting spring shooting of waterfowl, in New Jersey to modify the absolute protection of robins, and in Virginia to remove protection from waterfowl.

FISH¹

DR BARTON W. EVERMANN AND M. C. MARSH, UNITED STATES
BUREAU OF FISHERIES

The legislation for 1904 covering fish and fisheries proceeded from 12 states and was embodied in some 34 acts or amendments. Fewer than half the states which legislated on these subjects in 1903, participated during 1904 and the number of laws passed was correspondingly diminished. The tendency was markedly in the same general direction as heretofore; to conserve the large commercial fishing industries in two ways, by increasing the product and by limiting the opportunities of capture. A feature of importance to make effective the laws fixing license fees and levying taxes on the products of the fisheries, is the requirement of minute records open to inspection, by the dealers and canners, of their purchases of the catch of fishermen, in such a way as to prevent evasion of the law. The tendency is strongly toward supervision and a steady development in this direction may be looked for.

Governors messages

The president of the United States refers to the expected report of the special commission on the Alaskan salmon fisheries. The governor of Maryland calls attention to wasteful destruction of fish too small for market in upper Chesapeake bay, and recommends a disposition of pounds and fykes to allow fish to reach their spawning grounds. The governor of South Carolina advises legislation to protect and develop the oyster industry, and the establishment of a system of license fees in order to make the industry yield a revenue to the state, citing the large incomes derived by Maryland and Virginia from this source alone. He further advises the prohibition of the exportation of oysters for canning purposes. In Louisiana the governor devoted a special message to the regulation of the oyster industry.

Legislation

In New York an important law [04 ch.591] conferred upon the forest, fish and game commissioner the power of entering upon and taking possession of any land and water he deems necessary for the purposes of artificial propagation of food and game fishes for restocking the public waters of the state. Provision is made for the adjustment of the claims of the owner.

¹See also Governors Messages and Index of Legislation, marginal no. 1900.

In South Carolina ['04 ch.201] the transporting of shad beyond the limits of the state was made a misdemeanor, with heavy penalties, and common carriers were made liable.

In Massachusetts ['04 ch.365] the commissioners on fisheries and game are given additional powers relative to fishways, and may determine where, when and how new fishways should be built. The lobster legislation passed by Maine in 1903, permitting the commissioners to purchase egg lobsters at 25% above the market price, liberate them, or use them for propagation, was adopted by this state.

Oyster and shellfish industry. Louisiana ['04 ch.52] revised the whole subject of oyster legislation in one comprehensive act following a special message from the governor. The purpose is broadly stated "to encourage, protect, regulate and develop the oyster industry, and to increase the revenues of the state therefrom." State ownership of the gulf beds within the state is expressly declared, alienation in fee simple is prohibited, and ownership likewise of all oysters growing naturally on these beds is declared; rights of riparian owners are limited to low watermark. An oyster commission, of five persons not financially interested in the oyster business is created and endowed with unusual powers and importance, being expressly constituted a "department of the state government," a political corporation with power to sue and be sued. This commission has charge, with the widest powers, of all matters relating to the oyster industry and to the enforcement of the act.

It is provided with armed patrol vessels for the capture of violators of the statute, and captains and crew of all vessels engaged in oystering as well as the oyster commissioners and all their employees, are constituted peace officers with authority to arrest without warrant anyone violating either the statute or the regulations made by the commission. An attorney, chief inspector and chief surveyor are permanently attached to the commission, with ample provision for additional service.

No shipments of oysters for canning purposes beyond the limits of the state are allowed, and to encourage planting of shells on barren bottoms a permit is necessary to ship oysters in the shell out of the state. Packers, canners, corporations, firms and dealers engaged in the oyster business are required to keep detailed records of their catches and purchases, for the information of the commission. A tax of 3 cents a barrel on all oysters gathered for sale or consumption is imposed and license fees are fixed for the canning

business. A close season, May 1 to Sep. 1, not applying to private leased grounds, is created, and a size limit fixed at $2\frac{1}{2}$ inches. The use of the dredge in water less than 15 feet deep is prohibited. Fine or imprisonment penalties are provided for all violations.

In South Carolina ['04 ch.251] it was made unlawful to ship oysters or clams in the shell out of the state, unless from private grounds.

In Massachusetts ['04 ch.282] cities and towns are authorized to appropriate money for the cultivation, propagation and protection of shellfish, and may declare a close season for not more than three years. Penalties are provided and district courts and trial justices are given concurrent jurisdiction with the superior court of offenses under this act.

Close seasons and restrictions on methods. New Jersey, New York, Iowa and Georgia lengthened the close season for certain fishes, chiefly game species, and Louisiana created a general close season during December, January and February, excepting a few species. Various restrictions, chiefly of a minor character, were placed upon the means of capture, the most important being the prohibition by New Jersey ['04 ch.184] of boats propelled by machinery from oystering on the natural beds. In Georgia ['04 p.103] an amendment added firearms to the act forbidding the use of dynamite or other explosives for the purpose of killing fish.

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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 259

Labor (general)	Adna F. Weber
Factory Regulations	Horace G. Wadlin

LABOR (GENERAL)

ADNA F. WEBER PH.D. CHIEF STATISTICIAN N. Y. DEPARTMENT OF LABOR

Only 14 state Legislatures met in regular session in 1904 and on this account the body of new statutes affecting the interests of wage workers was small. The important industrial commonwealths of New York, Massachusetts and Ohio enacted several significant measures, however, and Montana at the general election in November adopted constitutional amendments providing for an eight hour day not only in public work but also in mines and smelters owned by individuals. New York, the principal seat of the clothing industry with its vast amount of home work, revised its laws regulating tenement manufactures so as to shift the main responsibility for sanitary conditions from the occupiers of the apartment to the owner of the tenement house. New York also enacted advanced legislation for the supervision and control of private employment agencies. Ohio enacted a somewhat similar law and also made an important modification of the employers liability law. Massachusetts once more undertook pioneer work by appropriating \$1000 to its Board of Health for an investigation of dangerous occupations, which thus far have received little attention in the United States as compared with European countries. The Southern States with their new manufacturing interests are passing through the early stages of antagonism to all labor organizations, manifested for example in the Alabama statute to prohibit boycotting, blacklisting etc. Similar enactments in the Northern States have been set aside by the courts as infringing the constitutional guaranty of freedom of speech. This has likewise been the fate of numerous statutes enacted for the protection of labor unionists by forbidding employers to discharge them on account of their membership in unions; in the past year the Kansas statute was thus annulled by the state courts. In Illinois and Missouri the courts declared unconstitutional the statutes requiring employers to pay wages in cash.

Hours. The part of the labor contract that is most frequently regulated by statute is the duration of labor. Of such legislation there was very little in 1904. In Massachusetts, where there were numerous measures introduced for restricting the hours of work, only one passed the Legislature and received the governor's signature ['04 ch.397]. This act merely abolished an exceptional provision of the law which permitted mercantile establishments to employ women and children more than 58 hours a week in the month of December. Louisiana enacted a law requiring proprietors of retail establishments in cities of at least 50,000 population to allow women employees one hour for their midday meal or recreation ['04 ch.195]. In Montana the electorate in November adopted the constitutional amendment which provides for an eight hour day for public work and also in mines and smelters.

Child labor. The campaign against child labor made little progress in the legislative sessions of 1904. Only a few of the legislative bodies of the Southern States met in that year and none of these took action on the subject, although the governor of Louisiana recommended such action.¹ In the North the only important statute was that enacted in Vermont near the end of the year,² prohibiting the employment of children under the age of 15 years during the sessions of the public school and fixing 12 years as the age limit in other cases. In addition Vermont established a maximum eight hour day for children under 16 years and forbade night work (between 7 p. m. and 7 a. m.). New Jersey on the other hand, repealed its prohibition of night work of minors under 18 years, although that prohibition had never applied to glass factories. Ohio amended its child labor law to include messenger boys and drivers and extended the requirements as to filing certificates of age and schooling ['04 p.321]. Massachusetts revised the section of the law governing the issuance of employment certificates so as to permit the school authorities to accept other evidence of a child's age when "neither the last school census, nor the certificate of birth or baptism, nor the register of birth, is available for the purpose" ['04 ch.432]; and as noted in a preceding paragraph abolished the exception to the 58 hour law which permitted children to be employed long hours in mercantile establishments during the Christmas shopping season ['04 ch.397]. Montana at the election in November adopted the constitutional amendment prohibiting the employment of children under 16 in underground mines.

¹The Alabama statute mentioned in the Index of Legislation, 2118a, was enacted in 1903.

²Not included in the Index of Legislation of the present year.

Payment of wages. Withholding or delaying the payment of earnings of wage workers, on the part of the employer, can obviously become an act of real oppression and cause genuine distress in the families of workingmen of small means, who are thus thrown upon the mercies of their tradesmen. The case is as bad or even worse when earnings are paid not in cash or in orders payable in money, but in "store orders," thereby compelling employees to purchase their supplies from a particular store, which is usually owned by the employer issuing the orders. To prevent such injustice most of the states have laws requiring the payment of wages in cash and within a reasonable period after they have been earned. Such statutes have to be carefully framed to meet the objections of the courts, which are sometimes unable to recognize the need of such exercise of the police power, notwithstanding their readiness to sustain usury laws that similarly restrict the freedom of contract of borrower and lender. Within the past year the Illinois law forbidding mining and manufacturing corporations to keep general supply stores and the Missouri law requiring wages to be paid in lawful money have been declared unconstitutional by the courts of those states. The decision on the former statute [69 N.E.927] rested chiefly, perhaps, upon its restricted application; but in Missouri, where a similar statute had already been set aside on the ground of being class legislation, the present law was one of general application. The Supreme Court of that state, however, [80 S.W.933] brushed aside the reasoning used by the United States Supreme Court when it upheld the Utah eight hour law—the unequal footing of employer and employee—and even denied the authority of the United States Supreme Court decision [Knoxville Iron Co. v. Harbison, 183 U.S.13] which held a Tennessee law requiring the redemption in cash of store orders or other evidences of indebtedness issued by employers in payment of wages due to employees not to be in conflict with any provision of the Constitution of the United States.

Maryland amended its monthly payment law to require semi-monthly payments of wages by mining, manufacturing and transportation corporations ['04 ch.93], while South Carolina made wage orders redeemable in the hands of any holder, whether an employee or not ['04 ch.254]. South Carolina and Alabama made various amendments to their codes governing violation of the labor contract [Index of Legislation 2113].

Employment offices. Intelligence officers or employment bureaus have long been subjected to public control, which was originally exercised by the local government and has now in most cases

passed to the state. Persons out of work are obviously in the power of the employment agency and this power, if unregulated, leads to serious evils—extorting fees for fictitious positions, etc.—that have been described in the reports of several bureaus of labor.¹ A woman seeking employment is even more helpless than a man and in New York city and elsewhere the operations of certain intelligence offices were so closely allied with procurers that philanthropic organizations instituted investigations which developed some startling revelations and resulted in a sweeping revision of the law in New York [’04 ch.432]. The statutes formerly applied to New York city and Brooklyn alone, but the new act applies to all cities of the first and second classes (New York, Buffalo, Rochester, Syracuse, Albany and Troy).² In New York and Buffalo the law provides for a commissioner of license, while in the other cities it intrusts its enforcement to the mayor or any person receiving his authorization. The following analysis of this law by the present author has already appeared in the Bulletin of the New York Department of Labor.

The act defines an employment agency as the business of procuring work or employment for persons seeking employment, where a fee is charged, the sole exception being teachers’ agencies. No person is to engage in the business without procuring a license and paying an annual fee of \$25—an increase of \$12.50 in New York city—and furnishing a bond for \$1000, with approved sureties. The bond requirement is designed to put an end to the most flagrant abuse connected with the name of employment agencies, the practice of opening an office duly licensed, advertising for workmen to take fictitious “jobs,” collecting fees from hundreds to whom positions are promised and then decamping with the proceeds.

No agency may be located in a saloon. The prohibition is designed to stop a common practice of saloon keepers of displaying signs and advertising for laborers in large numbers, in order to keep men hanging about the saloon for their patronage. It will be remembered that the grain shovelers strike in Buffalo five years ago was largely due to a revolt of the men against the system whereby the saloon keepers, who acted as employment agents, favored those workmen who spent the most for drink. Keepers of lodging houses are permitted to maintain employment offices but only separate from the lodging apartments, and they must be specially designated in the license. No employment office may be located in rooms used for living purposes, in lodging houses or elsewhere.

¹See specially the comprehensive treatment by F. A. Kellor in *Out of Work*.

²Utica, Schenectady and Yonkers have attained the 50,000 mark since the latest state census and will enter the second class, after appropriate legislation on the basis of the enumeration of 1905.

The very worst evil of the private agency system is aimed at in the provision of section 7, that no licensed person shall send or cause to be sent any female help as servants or inmates to any questionable place or to any house or place of amusement kept for immoral purposes, the character of which such licensee could have ascertained upon reasonable inquiry. Employers, on the other hand, will be protected by the requirement that agencies must investigate at least one of the references furnished by applicants for work in a private family or employment in a fiduciary capacity.

The law prescribes as the maximum fees that employment agencies may collect from applicants for employment 10% of the first month's wages, in the case of servants, laborers and unskilled workers generally, and 5 % of the year's salary or 100% of the first week's wages in all other cases. If no situation is secured for an applicant he may demand the return of the entire fee with the exception of 50 cents, which the agency may retain, if it in good faith endeavored to find employment for the applicant. "Rake-offs" are to be stopped by a clause forbidding agents to divide fees with contractors or other employers.

Receipts for fees must, as heretofore, contain the section of the law pertaining to fees, and additional protection to workers is assured in the requirement that in sending an applicant to employers the agent must give him the employer's name and address, written on a card, containing the name and address of the agency. When a workman is sent outside the city, the agent must file with the mayor and also furnish to the applicant a copy of the contract, in a language which he understands, stating the name and address of employer and of employee, nature of the work to be performed, hours of labor, wages offered, terms of transportation, etc.

Ohio also enacted a law in 1904 providing for strict public control over employment agencies. Unlike the New York statute it applies to all villages and cities, the license fee in the former being \$10 to \$25 and in the latter \$50 to \$100 per annum; the bond in every case, \$500. A state officer, the commissioner of labor statistics, enforces the act. The registration fee is limited to \$2 to be repaid to applicant on failure to obtain a position. Charitable organizations are not included in the law [04 p.485].

Ohio also extended its system of free employment bureaus [04 p.101]; while Alabama at the autumn session of 1903 enacted a law requiring all emigrant agents in the state to take out a license from the state auditor (annual fee of \$500 in each county in which he solicits persons to accept employment outside the state).

In California, the Supreme Court declared unconstitutional that part of the act of 1903 which limits the charges of an employment agent. The court argues at length to prove that such an interference with freedom of contract in the interest of a helpless class is

not analogous with acts limiting the rate of interest. One of the judges, however, in a dissenting opinion thinks "it is a mistake to say that our heritage from the common law consists solely of the specific right to pass such laws. Our heritage is rather the sound principle that in the performance of its duty to promote the general welfare, the Legislature may pass such laws as may reasonably be found necessary to protect the helpless and weak from the exactions of the strong" [ex parte Dickey, 77 P.924].

Employers liability. The only statute of 1904 on the subject of employers liability was one approved by the governor of Ohio May 3, 1904, which does away with the common law rule that the employer is not liable for negligence when the employee "assumes the risk" by continuing at work with knowledge of such neglect on the part of the employer to safeguard machinery or appliances. The act also limits the damages that may be recovered for fatal injuries to \$5000 and for other injuries to \$3000. In New York, it may be noted, such limitation of the amount of damages recoverable is forbidden by the Constitution.

Public work. In Massachusetts the statute of 1896 requiring preference in public work to be given to citizens of the United States was amended so as to give preference to citizens of Massachusetts above those of the other commonwealths ['04 ch.311]. But in Illinois the act of 1889 forbidding the employment of aliens on public work was held unconstitutional in accordance with the trend of authority [City of Chicago v. Hulburt, 68 N.E. 786 (1903)].

Labor disputes, arbitration, etc. The relations of employers and employees are still so unstable that legislative interference plays an important role, notwithstanding the fact that judge-made law continues on the whole to be the more decisive influence. The problem is working itself out in the voluntary organization of the two classes, under the strict watch of the courts. Impatience with the conservatism of the bench in failing to recognize the necessity of such combination on the part of wage earners has doubtless led many Legislatures to frame statutes guaranteeing the right of association. Very many of the states, for example, have sought to protect the members of a labor union in their employment by making it a crime for an employer to "victimize" them, that is to discharge them for participation in the affairs of a union. Such statutes, however, are frequently declared unconstitutional, the latest instance being the Kansas act of 1897, which the Supreme Court of that state last year held to be void as an unconstitutional restriction upon the freedom of contract [Perry v. Coffeville Vitrified Brick and Tile Co., 76 P.848]. The

New York law on this subject, enacted in 1887, has not been construed by the courts. The latest New York enactment of this kind, however, is chapter 659 of the laws of 1904, which makes it a criminal offense to bribe a representative of a labor union. The statute has special reference to the action of a union officer in bringing about or calling off a strike, and was passed upon the recommendation of District Attorney Jerome who had convicted certain labor leaders in New York city of the crime of extortion, but was unable to find a law under which he could proceed against employers who had paid union officers to call strikes on the jobs of rival employers.

Another New York enactment for the protection of workingmen's organizations was chapter 523 amending the union label law so as to make the imitation or unauthorized use of a label a criminal offense. A similar law was enacted in Massachusetts ['04 ch.335].

Alabama has attempted to enact a conspiracy law to prevent picketing, boycotting and blacklisting ['03 p.281]. Its constitutionality is generally questioned by lawyers. Last year, in fact, an antiblacklisting law was held unconstitutional in Indiana [Wabash Railway Co. v. Young, 69 N.E.1003].

Maryland in 1904 enacted a thoroughgoing arbitration law, which requires the chief of the Bureau of Industrial Statistics to offer his mediation in every industrial dispute involving 10 or more employees. In the event of his failure to adjust the dispute by conciliation or arbitration, he is required to investigate the cause of the controversy and publish his conclusions in the daily press. For the purpose of such "compulsory investigation," as this plan of arbitration has been termed, he is endowed with ample power to summon witnesses, administer oaths, etc. ['04 ch.671]. In Missouri, however, the section of the arbitration law authorizing the board to apply to the Circuit Court for the punishment of witnesses for contempt was held to be unconstitutional on the ground that judicial power could not be vested in the board [State v. Ryan, 81 S.W. 435].

Massachusetts amended its arbitration law to require the board to investigate industrial controversies on the request of the governor ['04 ch.313]. It also advanced the salaries of members of the board from \$2000 to \$2500 ['04 ch.399].

FACTORY REGULATIONS

HORACE G. WADLIN, LIBRARIAN BOSTON PUBLIC LIBRARY (FORMERLY
CHIEF MASSACHUSETTS BUREAU OF STATISTICS OF LABOR)

Governors messages

References in executive messages to the subject of factory and workshop regulations during 1904 include the following: Governor Heard of Louisiana commended as worthy of consideration a suggestion of the commissioner of labor that his department be given the power of inspection of factories, mills and workshops. In New Jersey, Governor Murphy suggested strengthening the Department of Factory Inspection and an increase in the number of inspectors. Governor Smith of Maryland called attention to a need of legislation to make more clear and effective the so called sweat shop law. He also favored the publication of a greater number of the statistician's reports.

Legislation

Inspection. General factory regulations. In Massachusetts ['04 ch.382] the annual compensation of the two female members of the inspection department was increased from \$1000 to \$1250. A special investigation was authorized in this state by a legislative resolve ['04 ch.99] which directed the State Board of Health, in cooperation so far as required with the chief of the district police (state factory inspector) and the Bureau of Statistics of Labor, to investigate the sanitary condition of places of employment, with respect to all conditions which endanger life or limb, or are prejudicial to health of the employees. An appropriation of \$1000 was made for this purpose, and a report, with recommendations if any are found advisable, was directed to be made on or before Jan. 15, 1905. In Massachusetts also ['04 ch.430], two additional members were authorized for the inspection department of the district police force, to be appointed by the governor. In New Jersey a general factory law was enacted ['04 ch.64] regulating the age, conditions and safety of employment in manufactories and workshops; and sundry statutes heretofore existing on the same subjects were repealed. Under the present law the minimum age for the employment of children in factories is fixed at 14; certificates of age are required and their tenor fixed; certificates of health may also be required in certain cases; employers must, if employees are under 16 years of age, keep registers of names, and other information as to persons working under the provisions of the act, which registers are to be open to the inspection of the proper

officers; minors under 16 may not work in places covered by the act more than 10 hours a day or 55 a week. Hatchways are to be guarded, workmen are to be protected against machinery and dangerous conditions of employment in factories and workshops; entrance doors are to be kept unlocked and made to open outwardly, and halls are to be properly lighted. Danger from dust in certain employments is to be prevented by the provision of blowers; adequate ventilation is to be maintained; minors under 16 are not to be permitted to clean machinery in motion; the storage of explosives, where necessary, is safeguarded; proper sanitary conveniences are to be provided, also adequate fire escapes. The tenement manufacture of clothing (sweat shop law) is codified and made part of the new statute. The Department of Labor is the inspection department also. The entire statute while not involving much, if any, new legislation brings together in clear and logical form the whole body of New Jersey law on the subject.

In Ohio ['04 p.530] 13 district inspectors of factories are now authorized instead of three, and the salaries of inspectors are raised from \$1000 to \$1200. Provision is made for redistricting the state to accord with the enlargement of the force.

Comfort of employees. Under this head there are but two instances found in the Legislation of the year. In Maryland ['04 ch. 287] the existing law requiring seats for saleswomen in mercantile establishments was repealed and a new statute on the same subject enacted. Under it women are not to be forbidden to make use of seats, and local health officers are given power of inspection, with authority to prosecute violations of the statute.

In Rhode Island ['04 ch.1142] suitable toilet rooms containing water-closets, washing facilities, and rooms for changing clothing must be provided in all foundries in which 10 or more men are employed; and these rooms must be in the foundry building, protected from the weather, heated and ventilated.

Safety of employees. In Massachusetts a new law ['04 ch.347] requires looms in factories to be equipped with guards to prevent injury to employees from flying shuttles. The appliances must be made and placed to conform to the requirements of the factory inspectors.

In New York ['04 ch.291] owners or lessees of factories in cities of 250,000 population must maintain lights in hallways for the protection of employees operating machinery, whenever deemed necessary by the commissioner of labor. The new statute is in amendment of the labor law of 1897.

Mines. There were but two minor points touched in protective mining legislation of the year. In Iowa ['04 ch.86] a provision which required one of the board of examiners of mine inspectors to hold a certificate of competency as a hoisting engineer was stricken out; and in Ohio a new law was enacted ['04 p.63] requiring operators or superintendents of mines, whenever more than 10 miners are employed, to keep at the mouth of the mine a stretcher for use in case of accident, equipped with woolen and waterproof blankets; and whenever more than 400 persons are employed two stretchers with equipment are to be provided. In mines generating fire damp, linseed or olive oil, bandages, and linen are to be kept in store for use in emergency, and bandages are to be kept in all mines.

Railways. In Louisiana a new statute ['04 ch.81] requires screens or vestibules on the front platforms of street cars, and it is made unlawful to operate such cars from Nov. 15 to Mar. 15 unless such screens or vestibules are provided. In South Carolina a similar law requiring vestibules during the months of December, January, February and March, from which Charleston county was exempted, has now, by an amendment ['04 ch.236], been made of universal application.

In Ohio ['04 ch.274] legislation for the protection of railway employees has been extended by providing that mail cranes or live-stock chutes along the line of the tracks shall not approach nearer than 18 inches to the nearest point of contact with the cab of the widest locomotive now or hereafter to be operated.

Sweat shops. In New York an important amendment to the law relating to tenement-made articles ['04 ch.550] requires tenement houses, instead of rooms or apartments in the same, to be licensed for the manufacture of certain articles, and the term tenement house is defined to mean any house or building or portion thereof occupied by three families or more, living independently of each other, doing their cooking on the premises, and using the halls, yards etc., in common, and is, for the purposes of the act, also construed to include any building on the same lot with any dwelling house and used for the industrial purposes covered by the act. The list of articles covered by the sweat shop law is extended to include aprons, pocketbooks, slippers, paper boxes and paper bags; licenses for manufacturing in tenement houses are to be issued only on the report of the health inspectors that the premises are sanitary and not infected by disease; and semiannual inspection is provided for. In general the law is made much more definite than formerly and is strengthened in many points.

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REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 251

CHARITIES¹

ROBERT W. HEBBERD, SECRETARY NEW YORK STATE BOARD OF CHARITIES

The volume of charity legislation in 1904 seems inconsiderable as compared with that of other recent years. This is probably due, in part at least, to the fact that in many of the states having biennial sessions there was no meeting of the Legislature. Some progressive legislation was, however, placed on the statute books of a number of the states. Louisiana followed the example of California in 1903 by providing for a supervisory board of charities and corrections. There are now 19 such boards and 7 boards of control in the United States. The Maryland Board of State Aid and Charities had its duties somewhat extended. Further provision was made in two of the states, Alabama and New Jersey, for the care of the dependent sick and injured. An attempt was made in Massachusetts to separate the delinquent and the dependent cared for at workhouses and almshouses.

There were comparatively few changes in the general poor laws of the states, or in the laws having relation to the public institutions of charity, but such changes as were made evidently contemplate desirable improvements in administration.

The tendency previously noted in these reviews of legislation, to provide with less restriction for the education of the defective classes, continues to be noticeable. The names of "institutions" for the instruction of the deaf and the blind are by law changed to "schools" for that purpose. Almshouses and poorhouses are becoming county or city "homes," and other changes are being made showing greater sympathy for the poor and unfortunate, and less of the spirit of repression that was so long prevalent. The test of investigation as to need or as to willingness to labor, is taking the place of degrading conditions and harsh treatment and the results everywhere prove the beneficence of this newer and more humane course of action.

The growing spirit of religious tolerance is also becoming more manifest. Some of the states have long had laws providing for freedom of worship in the public institutions, an example which the Legislature of Massachusetts has wisely been moved to emulate on the recommendations of the State Board of Charity.

¹See also Governors Messages and Index of Legislation, 2140.

Supervision and administration. Governor Montague of Virginia, in his message to the Legislature, recommended the establishment of a supervisory board of charities and corrections, while Governor Beckham of Kentucky in his message urged the establishment of a board of control to take the place of the individual boards administering the affairs of the state institutions. It does not appear that this advice was heeded in either case.

Governor Cummins of Iowa reported to the Legislature of that state that the work of the Board of Control still vindicated the wisdom of the law that created it and still commanded the confidence of the people. Governor Garvin of Rhode Island recommended that a woman be placed on the Board of Charities and Corrections, which is in reality a board of control and not a supervisory board of charities. Governor Herrick of Ohio in his message to the Legislature insisted on greater economy of expenditures in administering the state institutions, and suggested that a system of purchasing through competitive bidding be established.

Several amendments were made to the Iowa law providing for the Board of Control in that state. These provide for the employment of architects by the State Board of Control ['04 ch. 109]; for an annual appropriation of \$250 to meet the expenses of the quarterly conferences of the executive officers of the state institutions, with the members of the Board of Control ['04 ch. 110]; for the appointment and regulation of the duties of special policemen at the institutions under the Board of Control ['04 ch. 111]; and for the disposition of unclaimed money left by deceased inmates of state institutions.

In Massachusetts, on the initiative and recommendation of the State Board of Charity, an act was passed providing that inmates of public penal, charitable or reformatory institutions shall be required only to attend religious services of their own belief ['04 ch. 363].

The Revised Statutes of Ohio were amended by extending to all state benevolent or reformatory institutions, the provisions of law prohibiting the abduction of inmates or their enticement to escape, also forbidding trespassing on the ground of the institution and the purchase of clothing from inmates. This statute further provides for the arrest and return of fugitives ['04 p. 306].

In Louisiana where the subject has long been agitated a state board of charities and correction was established ['04 ch. 176]. This is a supervisory board. Its chief duties are to visit and inspect the state and local charitable and correctional institutions, and to make an annual report to the governor and a biennial one to the Legislature.

The Maryland Board of State Aid and Charities was enlarged from five to seven members, two of whom are to reside outside of the city of Baltimore. The salary of the secretary was increased from \$1200 to \$1800 a year ['04 ch.549]. This board is required to investigate institutions receiving state aid and to make recommendations with relation to appropriations to them.

New Jersey passed an act providing that any parent, parents, guardian or custodian who shall make application to have any person admitted to the institutions for defectives shall waive all right to remove such inmate either permanently or for any length of time. It is provided, however, that any inmate may be discharged on the request of the governor or person administering the government of the state on the recommendation of the head of the institution, and also that such person may grant a leave of absence to any inmate for a limited time ['04 ch.134].

Local boards and officers. By an amendment to §95 of the Code of Virginia, it is provided that the Circuit Court or a judge thereof in vacation, on the recommendation of the Board of Supervisors of each county, shall in November 1907, or sooner in case of a vacancy, appoint for the county in which he holds court, a county surveyor and a county superintendent of the poor, each to hold office for four years ['04 ch.213]. The previous provisions of the law required the circuit judge to make the appointment in like manner between the time of the approval of the act, Dec. 18, 1903 and Jan. 1, 1904.

Poor relief. Maryland placed \$250,000 at the disposal of the State Board of Public Works to be spent for the relief of destitution caused by the Baltimore fire of Feb. 7 and 8, 1904 ['04 ch.129].

Support and settlement of paupers. By an amendment to the general "act for the settlement and relief of the poor," New Jersey provided more specifically for proceedings against relatives, compelling them to contribute toward the support of their dependent kinsfolk. It is made the duty of the overseer of the poor to institute proceedings in such cases, which are to be heard by the Court of Quarter Sessions. The court may make an order requiring the relatives to pay not to exceed \$6 a week for each person ordered to be relieved and to give a bond therefor, the order and bond to continue in force for a year ['04 ch.172]. An additional act, further provides that the court may enforce payment of the costs incurred in the proceeding and of the sum mentioned in the order by committing the persons complained of to the common jail or penitentiary of the county for contempt of court ['04 ch.175].

New York amended the Code of Criminal Procedure by providing that the father of a bastard shall be required to pay the necessary funeral expenses in the event of the death of the child, and also by providing that the Court of General Sessions in the county of New York or the County Court of any other county, instead of any "court of record" as previously provided, shall be applied to for an order compelling the relief of poor relatives. The time required for advance notice is reduced from 10 to 5 days ['04 ch.520].

Poorhouses. Massachusetts passed a commendable act providing that persons committed to workhouses or almshouses for delinquencies shall be confined in separate and distinct quarters and shall not be permitted to associate or communicate with the pauper inmates thereof ['04 ch.274]. At the same time it will not be an easy matter, if at all practicable, to observe such distinction in the many small town almshouses of Massachusetts. The proper course to pursue in every state is to prohibit the commitment of delinquent persons to almshouses.

In Ohio two statutes were enacted authorizing the county commissioners to expend moneys in emergencies for construction work at the county infirmaries or almshouses. One of these acts provides that in any county in which a county infirmary has been destroyed by fire and not rebuilt or shall thereafter be destroyed by fire or other casualty, the county commissioners of such county shall have authority to appropriate not to exceed \$50,000 to rebuild such infirmary without first submitting the question to the voters of said county ['04 p.33]. The other act strangely provides that in any county in which the county infirmary building is condemned by the Board of Health the county commissioners can expend \$10,000 for the purpose of constructing temporary buildings without first advertising for bids as by statute required ['04 p.169]. This statute would seem to indicate that some of the county infirmary buildings of Ohio are in bad sanitary condition, or that political emergencies calling for the expenditure of money without complying with the usual statutory safeguards are very great.

Sick and disabled. Ambulances. The Massachusetts act providing that hospital ambulances shall have the same right of way which fire engines or police patrol wagons now have in the streets of all cities and towns ['04 ch.16] while no doubt commendable in purpose, is a sample of a blind and ambiguous method of legislation, too common in some of the states. To be of practical benefit to ambulance drivers and others, and particularly to the public who scurry to get out of their way, the statute should have declared

specifically what rights ambulances are to have on the public highways.

State hospitals. The act to provide for the management of the State Charity Hospital at Vicksburg Miss. shows a peculiar departure from the usual method of appointing boards of trustees of state institutions. By this act the governor is empowered to appoint five members of the board, while one is to be appointed by the mayor and aldermen of the city of Vicksburg and the remaining one by the Board of Supervisors of Warren county. The governor has the power to remove the trustees for good and sufficient cause ['04 ch.112]. The governor is to appoint a surgeon at a salary of \$150 a month and the trustees, with the approval of the governor, a steward at \$75 a month. The expenditures of the hospital are to be audited by the trustees and approved by the governor.

Local hospitals. In Alabama provision was made for the care of the sick and wounded at the expense of counties and cities. One act provides that the county authorities of any county having over 35,000 population may appropriate county moneys to aid in caring for sick and wounded persons, who are unable to provide for themselves, in any hospital maintained in their respective counties exclusively for the care of the sick and wounded within the limits of such counties ['04 p.183]. Another act provides that the governing body of cities having a population of more than 5000 inhabitants may appropriate moneys to aid in the care of sick and wounded persons who are unable to care for themselves, in any hospital maintained in their respective cities, exclusively for the care of the sick and wounded within the limits of such cities ['04 p.411].

In New Jersey further additions were made to the statutes providing for the care of sick poor at public expense. One of these acts authorizes the voters of any town, township, borough or village to raise moneys for the purpose of maintaining public patients in any hospital in the state ['04 ch.7]. Another act authorizes the Board of Chosen Freeholders of any county which has no hospital maintained by such county, other than the sick ward of a county poorhouse, to appropriate not to exceed \$15,000 a year for the support of county dependents in private hospitals ['04 ch.92]. A third act authorizes cities, when assent is duly given by their electors, to levy an assessment equal to one third of a mill on the assessable property, for the purpose of caring for indigent patients in regularly incorporated hospitals supported in whole or in part by private subscriptions and located in the city where the assessment is made ['04 ch.223]. The final act authorizes the authorities of cities to levy taxes for

the support of their respective public hospitals, not exceeding one mill on the dollar ['04 ch.224].

Deaf and dumb. In Maryland, provision is made for the compulsory education of every deaf child between the ages of 2 and 16 years whose mental or physical condition makes such education expedient or practicable. Any person having such child under his control and who fails to comply with the law is to be deemed guilty of a misdemeanor and fined not exceeding \$5 for each offense. Any person who induces such child to remain from school is also to be deemed guilty of a misdemeanor and fined \$50 for each offense ['04 ch.229]. There are comparatively few states making provision of this nature for the compulsory education of the deaf and the operations and results of the Maryland statute will be watched with interest.

State institutions. In Alabama a novel change is made in the law relative to the Alabama School for the Deaf whereby the members of the board of trustees are to be chosen by that board and not by the governor of the state as was formerly provided ['04 p.45]. The desirability of such a change seems, however, to be doubtful, independent appointments and independent supervision being alike desirable. The trustees of such school and of the State School for the Negro Deaf and Blind on the recommendation of their respective principals are empowered to increase the terms of pupils for four years, but no pupil is to be retained beyond the age of 25 years ['04 p.47].

The fee for nonresident pupils at the Iowa School for the Deaf at Council Bluffs is increased from \$40 to \$66 ['04 ch.108].

The name of the Kentucky Institution for the Education of Deaf Mutes was changed to the Kentucky School for the Deaf ['04 ch.42], which is in the line of progress.

Mississippi provided for a commission to select a site not to exceed 160 acres nor to cost more than \$25,000 for the location of an institution for the education of the deaf and dumb in or near the city of Jackson and to construct and equip a building thereon at a cost not to exceed \$75,000 ['04 ch. 108]. The act provides that this commission is to consist of the governor, attorney general and one commissioner to be appointed by the governor, together with one commissioner to be nominated by the Senate and appointed by the governor and one commissioner to be nominated by the House of Representatives and appointed by the governor. The act contains stringent provisions to protect the state against nepotism and dishonesty.

The people of North Dakota at the general election held in November 1904 approved the amendment to §215 subdiv. 5 of the Constitution, changing the name of the Deaf and Dumb Asylum, to the School for the Deaf and Dumb of North Dakota.

The compensation of teachers at the Ohio Institution for the Education of the Deaf and Dumb, was increased to some extent. The salaries paid to these teachers seem to be fully equal to those paid for similar work elsewhere, and to exceed the amounts paid at some of the schools. Maintenance is not, however, to be provided hereafter at the Ohio institution. This was formerly allowed, or the sum of \$200 a year paid in lieu thereof.

Virginia by an amendment to the Code, provided for the election of members of the Board of Visitors of the School for the Deaf and Blind, so that terms shall be four years each and that the terms of three of the six members shall expire every two years after July 1904 ['04 ch.39].

Blind. The care of the adult blind in Massachusetts continued to receive further consideration. The Legislature of 1903 adopted a resolve authorizing the governor, with the advice of the Council, to appoint a commission of three persons to prepare a complete register of the adult blind in Massachusetts between the ages of 20 and 60 years, containing a description of their condition, the cause of their blindness and their capacity for industrial training. The act also provides that adult blind persons between the ages of 20 and 60 years who desire to receive industrial training in schools for the blind in other states than Massachusetts may on the recommendation of the commission, and with the approval of the governor and Council, be sent to such schools at the expense of the state. The commission is required to investigate and report as to the advisability and feasibility of ameliorating the condition of the blind by industrial training, the establishment of industrial schools, or by any other means ['04 ch.87].

The counties of Ohio, by an act to provide relief for the worthy blind in 1904, are required to pension indigent blind males over the age of 21 years, and indigent blind females over the age of 18 years, who are free from vicious habits, by the payment of not to exceed \$25 per capita quarterly ['04 p.392]. The act also provides that under no condition or circumstance shall the beneficiary lose his benefits or residence by removal to any institution for the blind not maintained by the state or county.

State institutions. Following the example of Massachusetts, Rhode Island appropriated \$1500 for the instruction by the Board of Education, of adult blind persons at their homes ['04 v.13].

As in the case of the Alabama School for the Deaf the trustees of the Alabama School for the Blind and of the State School of Negro Deaf and Blind, on the recommendation of the principal, were authorized to extend the terms of pupils not to exceed 4 years, or till they reached the age of 25 years ['04 p.47].

Georgia, moved by the fact of unsuitable location and buildings, provided for the sale of the property occupied by the Georgia Academy for the Blind, and for the purchase of larger and more commodious grounds near the city of Macon, and the construction thereon of the buildings necessary for the purpose of the school. The buildings are to be not more than two stories in high and of the latest modern design for the accommodation, protection and education of blind children ['04 ch.595]. This otherwise beneficent act is marred by the presence of a section providing that in order to assist the trustees of the school in carrying out the purposes of the act they are authorized to suspend the operations of the academy for the period of one scholastic year.

Iowa raised the fee for nonresident blind pupils at the College for the Blind at Vinton, from \$54 to \$66 ['04 ch.107].

The compensation of the officers and employees of the Ohio State School for the Blind was increased, following the precedent in the case of the Ohio Institution for the Education of the Deaf and Dumb ['04 p.549]. In addition the teachers residing and boarding outside the school may be paid the further sum of \$200 each, in the discretion of the board of trustees.

Children

The care and protection of dependent and delinquent children continue to receive the growing attention not only of legislative bodies, but of the governors of states as well. Governor Jennings of Florida, in his message to the Legislature of 1904, recommended the enactment of a law authorizing the sending of incorrigible children to the reformatory school without conviction, for an indefinite period. Governor Terrell of Georgia, recommended the separation of juvenile convicts from contact and association with hardened criminals. He also recommended the establishment of juvenile courts in the principal cities of Georgia, and reformatories for juvenile delinquents. Governor Cummins of Iowa called the attention of the Legislature to the general movement throughout the country to provide better care for the boys and girls who are led into crime. In his opinion "By far the greater number of the boys and girls who are arrested and convicted, could be saved from lives of wrongdoing, if intelligent and merciful supervision were exercised at the time they first violate the law."

Governor Bates of Massachusetts, called attention to the fact that some of the judges hesitate to send boys, whose worse offense seems to have been their environment, to the Concord Reformatory. He suggested giving discretion to the judges so that they might send boys between the ages of 15 and 20 to either the Lyman School or the Concord Reformatory, as they deemed best for the boys' welfare.

Georgia, following to some extent the recommendation contained in the governor's message, passed an act providing for the commitment of vagrant and other children to the Georgia Industrial Home, or some other like institution ['04 ch.637]. The county authorities may pay for the care of children committed from their respective counties, not to exceed \$50 a year for each child. This act also provides for the appointment of a legislative committee of nine members to visit without notice institutions authorized to receive inmates under the act, and to report thereon to the General Assembly.

Kentucky appropriated \$15,000 payable annually for the benefit of the Kentucky Children's Home Society ['04 ch.7]. But no part of the money is to be devoted to any other purpose than the care, support and maintenance of homeless and destitute children in Kentucky and in providing homes for them.

Maryland passed a comprehensive act defining the powers and duties of the managers of homes for destitute and other children committed or confided to their care ['04 ch.77]. Under this act such homes may retain females till the age of 18 and males till the age of 21, or may discharge such children at any time before attaining such age. They may permit the return of children to their parents or other relatives or place them in homes without relinquishing their custody, control or supervision, and a record is to be kept of the time of placing out, name and residence of the persons with whom placed, and the terms and conditions of placing out. The managers of such homes are required to cause every child so placed out to be visited not less than once in six months in order to inquire into its welfare. The managers may also require the return to the institution of any child under 21 years of age so placed with parents or relatives or in other homes wherever they shall deem that the welfare of the child requires it. They are also to exercise parental authority and control over such children and make all needful provision as to their care, maintenance and education. When necessary they are to procure the commitment of children to reformatory institutions.

Massachusetts made it the duty of truant officers in cities and of the overseers of the poor of towns to search out children under the

age of 16 years who are suffering want through the neglect of their parents or otherwise, and to provide for their temporary care till other proceedings can be taken ['04 ch.356].

In New Jersey cities of the first class, are authorized to expend \$5000 annually to provide excursions during July or August for the children thereof ['04 ch.69].

New York provided for the removal of children whose mothers are in any state's prison, from such prison when the age of two years is reached. The warden in charge of the prison is required to place such child in an asylum for children, or may commit the child to the care and custody of a relative or other proper person willing to assume the care of the child ['04 ch.547].

Crippled and deformed children. Massachusetts provided for the establishment, under a board of trustees, of the Massachusetts School and Home for Crippled and Deformed Children ['04 ch.446]. The trustees, five in number, who are to be appointed by the governor, with the advice and consent of the Council, are to purchase a site for the school and home, subject to the approval of the governor and Council, and to erect suitable buildings to hold not less than 300 children and the officers, employees and attendants, and to provide for the equipment and furnishing of the buildings, provided that the expense shall not exceed \$300,000. The State Board of Charity is to have general supervision of the school and home. To meet the expense of establishing the institution registered bonds, with interest not to exceed 4%, are to be issued payable in 20 years.

Placing out. The Board of Control of State Institutions of Iowa, is authorized to employ a state agent for the Soldiers' Orphans Home, the Industrial School for Boys and the Industrial School for Girls ['04 ch.157]. The chief duty of such agent is the finding of homes for orphan children who are or may have been inmates of the institutions named, and the visitation and oversight of such children. The act further provides that the Board of Control shall have power to authorize the agent to take possession of such children, even though they be placed out by indenture or adoption, if not cared for as agreed by the foster parents, and to place them elsewhere.

By a Massachusetts act, the board of trustees of the Lyman and state industrial schools, are required when practicable, to bind out children in families or homes whose heads are of the same religious belief as that of the parents of such children ['04 ch.363].

Juvenile offenders. Juvenile courts. The recommendation of Governor Cummins bore fruit in the enactment of an interesting and comprehensive Juvenile Court law in Iowa ['04 ch.11]. By

this enactment District Courts are empowered to hear and determine the cases of children coming within the scope of the act, of which a separate record to be known as the "Juvenile Court Record" is to be kept. The statute further provides for the appointment by the court of probation officers, and for the commitment or parole of children. The Board of Control is required to designate and approve the institutions and associations to have charge of juveniles under the act, and to supervise, oversee and visit them. The religious belief of children is safeguarded by the provision that the court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith with the parents.

By an amendment to the Code of Public General Laws, Maryland provided for the commitment of female minors to juvenile institutions, till the age of 21 years, instead of 18 as formerly [04 ch.291]. Under this act a minor may be so committed if he is without any proper place of abode or guardianship, or is neglected or ill treated by his parent, guardian or custodian, or such parent, guardian or custodian is unable properly to care for him, or if it clearly appears that by reason of the character or surroundings of such minor he has become so vicious and depraved that his welfare, as well as the peace and good order of society, require such commitment.

Ohio also enacted a comprehensive Juvenile Court and probation law, following closely the lines of the Iowa statute which in so far as its principal features are concerned seems in turn to have been modeled after the Illinois law of similar purpose, enacted about five years ago. In Ohio, the judges of the Common Pleas Court, in counties where three or more such judges regularly hold court concurrently, together with the probate judge and the judges of the Superior and Insolvency Court, where such courts or either of them exists, are required to designate one of their number to act as judge of the Juvenile Court. A special courtroom is to be provided and a special court record, to be known as the "Juvenile record" is to be kept. The Juvenile Court is required to appoint probation officers, one of whom to be known as the chief probation officer, is to receive a salary of \$4 per day. The court may also appoint an interpreter, as assistant to the chief probation officer, at a salary of \$3 a day. It is made the duty of the Board of State Charities to visit, inspect and supervise all associations receiving children under this act, and no child shall be committed to any association not having a certificate from such board.

Associations incorporated in other states are prohibited from placing children in Ohio unless such association shall have furnished the State Board of Charities with such guaranty as the board may require to protect the state of Ohio from becoming chargeable with the support of such placed out children. The religious belief of children is safeguarded, as in the Iowa statute, by the provision that the Juvenile Court in committing children, shall place them so far as practicable, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith as the parents of the child.

Virginia provided for the commitment of minors up to the age of 18 years to the Prison Association of Virginia on an indefinite sentence, not to continue, however, beyond the age of 21 years [’04 ch.60]. The governor is given the power of pardoning such minors, provided it shall be made to appear that the case is a proper one for the exercise of executive clemency and that the Prison Association, on proper application made to it, has refused to discharge such minor, or has failed to act on the application for such discharge within 30 days after it was made.

The Insane T. E. McGarr
Feeble-minded and Epileptic J. C. Carson

THE INSANE¹

T. E. MCGARR, SECRETARY NEW YORK STATE COMMISSION IN LUNACY

General. Governor Terrell of Georgia recommends the appointment of a committee to confer with hospital authorities to bring about greater coherence in the statutes relating to the insane.

New York ['04 ch.330] increases the salary of the president of the State Commission in Lunacy from \$5000 to \$7500.

West Virginia ['04 ch.23] revises the law with reference to the management of the West Virginia Asylum at Huntington, reduces the number of hospital directors from eight to five, and provides that not more than two shall be of the same political party. No special requirement in the line of experience in the care and treatment of the insane is indicated in the appointment of a superintendent. Among other persons eligible for commitment to this institution are epileptics and cataleptics (sane or insane). Consumptive or cancerous persons or those afflicted with leprosy are ineligible for admission.

State care system. Maryland ['04 ch.421] provides that after Jan. 1, 1909, the state shall assume the care of all resident dependent insane persons, and that as soon as possible after such date the State Board of Lunacy shall transfer all insane persons remaining under county or city care to one of the state hospitals, provided they are appropriate for care in such institutions. A commission is created of which the governor is a member, which is to report before January 1906, on such measures as may be necessary to enlarge the present state hospitals or to create other state hospitals as may be required to accommodate the insane remaining under local control.

In South Carolina Governor Heyward recommends that some provision be made to guard against the admission of all classes of defectives and unfortunates who are not otherwise provided for, in the state insane asylums. He suggests that greater care and local interest may be secured by requiring the counties to pay a portion of the expenses for each patient sent to the hospital. This would

¹See also Governors Messages and Index of Legislation, 2193.

interfere with the present arrangement by which each community places on the state the burdens and responsibilities which they should assume themselves at least in part.

Exclusion of alien insane. Adopting Governor Odell's recommendation the New York Legislature ['04 ch.326] provides for the examination of insane, idiotic, imbecile and epileptic immigrants at the port of New York as a preliminary to their deportation, by the appointment of the State Board of Alienists consisting of three physicians of experience in the care and treatment of the insane. New York State being the greatest sufferer from the influx of defectives of these classes provides by an expenditure of \$5000 for the salary of a chairman of the Board of Alienists and \$3000 each to his assistants for a systematic examination of aliens on landing at the port of New York. The design of the bill is to provide cooperation between the national and state authorities in these examinations.

Reception hospital for the acute insane. Governor Odell of New York made a plea for a separation in the care and treatment of the acute and chronic classes and recommended that additional and separate institutions should be provided for the acute class. The Legislature ['04 ch.760] established a State Reception Hospital for the Insane in the borough of Manhattan, the site for the building to be donated by the city of New York and the buildings thereon to be constructed at the expense of the state. It is designed to accommodate in this hospital 200 patients suffering from actual or suspected mental disease of a curable type. Provision will be made for immediate admission to this institution, and the most advanced appliances are to be made available. \$300,000 is provided for the buildings.

Additional accommodations. Governor Beckham of Kentucky says that the three asylums for the insane have been so crowded for the past two years that new patients could not be provided for. In consequence persons adjudged of unsound mind have been compelled to remain in county jails for months awaiting vacancies in one of the asylums. The governor recommends the construction of additional buildings at one or more of the present asylums.

In Louisiana Governor Heard made a similar recommendation in connection with additional accommodations for patients at the Asylum for Insane Colored People at Alexandria. In accordance with this recommendation the Legislature ['03 ch.5] appropriated \$25,000 for the construction of additional buildings at that institution.

The same condition exists in Maryland, in which state Governor Smith reports that there are over 2000 dependent insane, with accommodations at the institutions located at Springfield and Spring Grove to care for about one half that number; the balance being in the county almshouses, the jails, a small private sanatorium at Mt Hope, and the Bay View Asylum. He strongly recommends additional provision for this class.

In Massachusetts Governor Bates refers to the enactment in 1900 of legislation providing state care for the insane and estimates that the commonwealth must annually provide for 500 additional patients. He opposes the issuance of bonds to cover the cost of additional buildings and recommends that such expense be met out of the current income.

In Ohio Governor Nash points out the fact that the act of Ap. 14, 1900, providing that on and after June 1, 1903, it will be unlawful to receive in any county infirmary any insane or epileptic persons, will require amendment inasmuch as the additional buildings provided through appropriations made by the Legislature have not been made available. He expresses the belief that all insane and epileptic persons can be accommodated in these buildings on Aug. 1, 1904.

The Legislature of this state ['04 p.651] provides for the appointment of a committee of five to be appointed by the governor to consider a location and secure an option on lands suitable for the insane and to report to the next General Assembly. Not more than three of the appointees shall belong to one political party.

Compensation of employees. New York ['04 ch.714] amends the insanity law by providing a 25% increase in the schedule allowances made by the State Commission in Lunacy for the compensation of employees of state hospitals. This increase relates to employees not in immediate attendance on the insane and is supplemental to legislation of 1903 which provided similar increases in the compensation of nurses and attendants.

Commitment. Alabama ['04 p.237] provides that county commissioners and county board of revenue shall have a schedule of fees to be paid county officers or persons duly deputized by them to temporarily provide for the care and maintenance of any person alleged to be insane when such person has no means of paying such expense. The question of financial ability to pay such fees is to be determined by the judge.

Iowa ['04 ch.78] provides that where county commissioners find a nonresident lunatic within the county, the cost of the necessary investigation and commitment of such person shall be paid in the

first instance by the county in which he is found; that if he is found to have a legal settlement in any other county of the state such expenses shall be paid by the supervisors of that county in the manner provided for the payment of other claims. If the person has no residence within the state such expenses shall be paid from the state treasury on properly itemized and verified vouchers.

New York ['04 ch.428] amends the insanity law in regard to the method by which experts and others whose services may be required in the determination of the question of insanity may be paid by cities or towns.

Ohio ['04 p.296] provides a schedule of fees for examinations conducted to determine the question of sanity.

Virginia ['04 ch.240] provides that when a person is certified as insane he may be committed as heretofore to a state institution or on the request of the patient's friends he may be committed to a private sanatorium, but in no event shall any patient be kept in such private sanatorium for a period exceeding four months. The expense incurred in his commitment and maintenance is to be borne by his friends.

Discharge. Ohio ['04 p.52] amends the statute relating to the care of insane persons by providing that no patient who, in the judgment of the superintendent, is homicidal or suicidal shall be discharged. If the friends of such patient are financially unable to bear the expense of the removal of a person suitable for discharge the superintendent shall give notice to the probate judge who shall thereupon issue his warrant to some suitable person, giving the friends of the patient the preference.

FEEBLE-MINDED AND EPILEPTIC¹

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FOR FEEBLE-MINDED CHILDREN

Governors messages. To the interests of the feeble-minded and epileptic reference was made by only two governors, those of South Carolina and Kentucky, in their messages for 1904.

In South Carolina it would appear as if inebriates, epileptics and insane were all being provided for by the state in one hospital building. The governor wisely recommends separate provision for each of the classes mentioned in buildings on the present property. A still wiser recommendation would have been that of buildings for each in separate localities.

A law in Kentucky authorizes the county authorities to "farm out" at state expense pauper idiots at a certain stipulated rate, which we believe is \$75 a year. The system has often been condemned and considered a premium on idiocy. The governor asks for a report from county auditors, of the amounts paid by the state for the support of idiots. He declares it to be a "big pauper pension system" and asks the Legislature either to curtail its growth or abolish it altogether. He also advises that each county be required to take care of its own poor. A better system would be for the state to care and provide properly and separately for the feeble-minded and idiots as distinct from other portions of the pauper class. If the annual rate allowed by the state is not more than the amount above mentioned it would seem that an inquiry into the care and supervision of idiots under the present farming out system might in some instances prove interesting.

Legislation. In New York an act was passed ['04 ch.462] amending '96 ch.546 relating to the Rome State Custodial Asylum. The first important feature of the amended law is the elimination of the objectionable words "unteachable idiots" and the substitution therefor of "feeble-minded persons and idiots." The second is in relation to the appointment of a superintendent. When the Rome State Asylum was established it became a part of the state hospital system for the insane and the law required the managers to appoint a superintendent whose experience had been confined to the care and treatment of the insane. Inasmuch as the asylum now provides only for the feeble-minded and idiots the amended law very wisely and fairly extends the qualifications of a superintendent to one who has

¹See also Governors Messages and Index of Legislation, 2210.

had "suitable experience and training of not less than three years in the care and treatment of the mentally defective classes, epileptic or insane." Furthermore, the law very properly requires that the State Civil Service examination for the position shall be given on the lines of qualification, experience and training as above mentioned.

A second act in New York ['04 ch.545] also amends '96 ch.546 by adding a new subdivision in relation to autopsies at the Craig Colony for Epileptics. It provides that in case of the death of any patient at the colony who shall have been maintained wholly at public expense and whose body is not claimed by relatives or friends within 48 hours after death, the person claiming the body for burial shall present an affidavit stating that he is a friend or relative of such deceased patient and the facts and circumstances on which the claim of such relationship or friendship is based: If such person shall refuse to make said affidavit the right of claim to the corpse becomes forfeited. The purpose of the act is to legalize the performance of autopsies on unclaimed bodies, in the interest of medical science.

New York State Education Department
New York State Library

REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25t

EDUCATION¹

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EDUCATION**

This brief review is intended to summarize the legislation in the United States in the year 1904 relating to education or to the schools, so far as it may seem to reflect any maturing of popular sentiment, indicate any new popular purpose, or create any real change in plans of organization or methods of procedure.

Our lists show 126 different enactments. Of course many of these are so merely local and incidental as to be without significance to the general student of education, and they are passed by. Not a few which have doubtless resulted from the whims of legislators or the accidents of legislation must be disregarded though they are not without interest for they do indicate more or less clearly the differing points of view of the educational or legislative mind in different sections of the country. Some reveal the very limited means which legislation has at its disposal in some states to meet pressing educational needs, and some exceptional cases show a more serious lack of popular purpose or of legislative competency than of means with which to do what ought to be done. Nearly all, perhaps all, manifest a disposition to bring to their people the advantages of the educational system where it has reached its best development and many show popular determination and legislative grasp which are breaking out the highways of educational progress.

Perhaps it is well to say at the outset that one can hardly examine the subject without being surprised and gratified at the extent of legislation which proves a decisive and a widening advance of educational purpose and confidence in the Southern States.

State systems. Alabama enlarged the powers of municipal corporations to acquire property for school purposes. Kentucky provided for establishing graded schools in common school districts lying in different counties. Louisiana enacted important amendments to the general school law of the state which enlarged the powers of the state board and of local boards and seem to make a decided advance toward the perfection of a state system; among

¹ See also Governors Messages and Index of Legislation, 2220.

other things the act establishes a procedure for removing incompetent superintendents, fixes a minimum salary for local superintendents and opens the way for advancing salaries, increases the number and efficiency of teachers institutes, places all teachers on the examination and merit basis and confers very important and potential additional powers on the school board of the city of New Orleans. Maryland reorganized the State Board of Education, district school trustees, county school commissioners, district libraries and normal schools receiving aid from the state, in ways which are apparently very desirable. A Massachusetts act empowering local school committees to use school moneys for exhibits at national, state or foreign expositions suggests once more the inadequacy of township government to popular education. New Jersey and Ohio passed new and very important school codes which, it must be regretted, are too voluminous for even topical synopsis here. New York extended to school districts of more than 5000 inhabitants and organized under special statutes certain rights of her union free school districts. Virginia passed three important acts promising much for a "uniform system of public free schools" throughout the state. They clearly indicate a very good grasp of the essential principles on which such a system must stand but are too comprehensive to permit of any statement of details here.

Officers, districts, terms etc. Alabama shows a healthful tendency to longer school terms in the year by changing the time of the annual meeting of township trustees in each county from the last Monday in October to the first Monday in September, and by providing that the teachers shall be elected at that time: legislation abolishing township lines for school purposes and redistricting the state and creating county and district boards of trustees and securing a much larger measure of local control under wholesome general directions, was also enacted. This legislation seems wholly desirable and promises much for the state.

New York consolidated the State Department of Public Instruction and the University of the State of New York and created the State Department of Education, establishing the office of Commissioner of Education and reorganizing the State Board of Regents.

Mississippi increased the salaries of county superintendents from \$150-\$600 to \$500-\$1000. The Supreme Court of Montana declared unconstitutional so much of an act establishing qualifications for county school commissioners as was in excess of the requirements fixed by the Constitution. Kentucky struck out the limitation on salaries of secretaries of boards of education and authorized boards

to fix the amount. Massachusetts provided that in any case where two or more towns were joined in a "superintendency union" and any part of the expense is borne by the state the State Board of Education shall determine the qualifications of candidates for superintendent, and that no one shall be elected to such position who is without the certificate of the state board; also that no member of a school committee shall be eligible to election as superintendent or teacher under the charge of the committee. New Jersey provided for reducing the number of members of school boards; Rhode Island arranged for the joint supervision of two or more towns as Massachusetts has heretofore done; and South Carolina amended her statute governing the election of trustees in districts of less than 5000 inhabitants.

Buildings and grounds. Iowa increased the amount for which the smaller cities and towns of 2000 to 3000 inhabitants may incur debt for school buildings; New Jersey authorized cities of from 12,000 to 150,000 to convey municipal lands to school boards and New York enlarged the powers of school authorities to acquire lands for school sites, and also provided that no school building shall be erected or enlarged in any village or district till the plans and specifications have been approved by the commissioner of education.

Finances. Alabama arranged for selling sixteenth section school lands believed to contain minerals; Kentucky enlarged the limit of school taxes; Louisiana did the same and provided for the administration of gifts to education; West Virginia opened the way for more liberal expenditure for schools; Massachusetts arranged for the permanent investment of the "technical education fund" and Minnesota and South Dakota adopted at the November election amendments to their Constitutions materially enlarging the limit of indebtedness for school purposes. Massachusetts enacted that no town shall receive any part of the state school fund unless it complies with the school laws and proved again that the earlier theories of school administration in the Bay State are departing. Mississippi adopted at the last election a comprehensive constitutional amendment covering the collection, care and apportionment of school moneys on the basis of children of school age, and New York consummated her educational unification act by empowering the state commissioner of education to apportion all school moneys formerly distributed through the two departments. Florida adopted at the November election an amendment to the Constitution enlarging the upper limit of county school taxes from 5 to 7 mills, and Georgia at the same time adopted an amendment to the Constitution author-

izing the maintenance of public schools by local taxation when two thirds of all persons voting (formerly qualified voters) are in favor of it. Kentucky restricted the use of county seminary property to the use of schools for *white* (formerly all) pupils, authorized cities of the fourth class to separate systems of graded schools into schools for white and colored pupils, prohibited white and colored pupils from attending the same school and imposed a fine of \$1000 and \$100 per day after conviction for operating a school which receives pupils of the white and negro races.

Teachers. Massachusetts increased the annual allowance by the state to county teachers associations from \$25 to \$50; Alabama required that teachers be paid monthly instead of quarterly; and Mississippi enlarged the upper limit of pay for her first grade teachers from \$55 to \$65 per month. In Alabama, Mississippi and Virginia there was legislation calculated to improve the systems for examining and certificating teachers. Alabama established a free summer school for teachers at the State University and made the governor and state superintendent trustees of the normal college at Livingston. Georgia reorganized the managing board of the normal school at Athens. Ohio "slipped" the least bit in the direction of a normal school system by empowering trustees of a township in which a normal school is or may be established to submit to a vote of the electors the question of levying an annual tax of 2 mills on the dollar for its aid. One must necessarily look through a perfect maze of agitational, ministerial, political, discussional and judicial proceedings, however, in order to see any money. South Carolina modified her scheme for assigning scholarships at the Winthrop Industrial and Normal College, and Virginia made apparently unimportant changes in the administration of the Virginia Normal and Industrial Institute and the State Female Normal School at Farmville, and also created a commission to report on the advisability of establishing another normal school for women.

Attendance. Iowa increased the period of compulsory attendance from 12 to 16 consecutive weeks. Kentucky passed an act requiring that children between 7 and 14 years attend school at least five months each year, with a little machinery for forcing it and some penalties for evading it which will be improved on in coming years. Maryland decreed, very commendably, that deaf children must attend a school for the deaf at least eight months each year. Massachusetts enlarged the period of commitment of a habitual truant from two years to the time when he shall be 16 years old, and directed the State Board of Education to investigate and report on

the advisability of increasing the age of compulsory school attendance so as to include children of the age of 14. New York provided for the compulsory attendance of the children on her several Indian reservations.

Kentucky required that schools must be in session six (formerly five) months each year in order to share in state funds.

Curriculum. Textbooks. Missouri submitted at the November election an amendment to the Constitution authorizing a tax for free textbooks which the people rejected. Alabama adopted a rather formidable scheme creating a state textbook commission and providing for uniform books, and Kentucky and Mississippi took substantially the same step. Iowa included in her list of authorized textbooks, "books for the purpose of teaching vocal music."

Higher institutions. Iowa directed that annual reports from the State University, the State Agricultural College and the State Normal School be made to the Legislature annually and "within three days after the said General Assembly shall have convened" and set forth with considerable legislative acumen and strenuousness the details which must be set forth in the reports; and also appointed a legislative commission to report on the advisability of changing the system of management of the state educational institutions. South Carolina established 124 beneficiary scholarships in the State Agricultural College.

Alabama passed an important act concerning the management of the State University. Louisiana submitted to the people, who adopted it, at the November election, an amendment to the Constitution repealing the limit on appropriations which might be made to the State University, and also authorized the sale of lands for the aid of the University. Mississippi gave the governor with the approval of the Senate the power to appoint the trustees of the State University. Ohio extended to all municipal universities, colleges and other educational institutions the power (heretofore given to the University of Cincinnati and the University of Toledo), to receive and administer trust funds. Alabama provided the higher institutions with a way for amending their charters with the approval of the governor.

Agricultural schools. Alabama required agriculture to be taught in the rural schools; Kentucky gave \$15,000 to the State Agricultural and Mechanical College; New York appropriated \$250,000 for agricultural college buildings at Cornell University.

Conclusion. It should be understood that this review does not cover appropriations made to education and which are set forth

appropriation bills rather than in bills with educational titles. There is every reason to know that these were large beyond precedent.

Casting a glance over the general field it may safely be said that the legislation of the year indicates not only a new measure of quickened and intelligent popular interest in education but also a determination to exercise the political power of the masses for educational upbuilding. This is relating education to the industries and happily it is being done with a better recognition of the telling influence of the higher learning on the mechanical and agricultural vocations. There is clearly a universal movement in the country toward a comprehensive educational system which shall recognize every condition in life, every form of intellectual activity, every phase of labor, depending on skill; which shall assure every one his fair chance; and which shall perceive that the true greatness of the nation depends on public policies which make all that can be made, industrially, intellectually, and so morally, of every individual unit.

New York State Education Department
New York State Library

REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN :

LIBRARY LEGISLATION OF 1903 AND 1904^a

W. R. EASTMAN, INSPECTOR OF PUBLIC LIBRARIES, N. Y. STATE LIBRA

Legislation of 1903

In 1903 the Legislatures of 32 states and territories enacted laws affecting libraries. Of these 32 are special acts in the sense that each of them applies to a single library only, and 22 concern the functions and management of the state or territorial libraries. Important provisions are included respecting the collection, care and distribution of law reports and public documents. In 11 states state historical societies are named and in seven states and territories special provision is made for preservation, translation and use of historical records. The other 65 are general in their application within each state, including acts that relate to commission work. Six legislate for law libraries and 11 prescribe or characterize methods of establishing public libraries. The public library law of South Carolina is new.

In all 37 laws have some provision in regard to money for library work, of which 6 relate to state libraries, 8 to state library commissions and 23 to rate of taxation for public libraries. In most of these provision is more liberal than it has been. The union of adjoining districts or municipalities for support of public libraries forms the subject of laws in Pennsylvania, Delaware and Michigan; power of contract by towns and cities with existing libraries is conferred in Ohio, Indiana and Oregon.

Location of libraries also assumed a new importance. In Nevada and New Mexico sites are directly granted to special libraries. In Buffalo and in villages of New York generally, where authorized by an election, money may be borrowed on bonds at the cost of library sites. By a new law of Wisconsin, as well as in Buffalo, land for this purpose may be taken by condemnation. In Illinois and Indiana public parks may be used for libraries. The rights of owners of abutting lands settled by condemnation for such use is authorized by a municipal election in Illinois or

^aSee also Governors Messages and Index of Legislation, 1903 and 1904, marginal no. 2352.

municipal boards in Indiana. The manner of dealing with library gifts is also a subject of legislation.

All points noted serve to emphasize new interest in library establishment and administration which appears on every hand. They mark also the special lines of activity which seem most important to those who lead the movement in each state, and which have for that reason been urged on the several Legislatures.

Library commissions. Notable in the year's legislation is the attention paid to public library commissions. They received special consideration in 10 states. Three commissions went out of existence and three new ones were created. But the work has not been abandoned anywhere nor has any new state been added to the list. In Colorado and Connecticut the work of the commissions has been enlarged by adding traveling libraries. Two commissions have no appropriation and three have less than a year ago, but the increase in 13 other states is much greater than these losses, showing a total gain of 36%. Indiana has advanced from \$3000 to \$7000, Michigan from \$5800 to \$7800, Minnesota from \$3500 to \$6000, Pennsylvania from \$1750 to \$6000 and Wisconsin from \$9000 to \$18,000.

Some further details of laws affecting commission work are given.

Supplementing the consolidation law of 1901, New Hampshire abolished her Board of Library Commissioners created in 1891, and conferred their powers on the trustees of the State Library. For her Public and Traveling Library Commission of 1901 and that in charge of the State Library, Washington substituted a single body consisting of the governor, five Supreme Court judges and the attorney general. In theory they represent the interests of the general public, the court and the bar respectively. They are to control the miscellaneous, law and historical departments of the State Library, a system of traveling libraries and give assistance to public libraries. For the latter three departments there is to be an advisory board consisting of the state superintendent of public instruction and four appointees of the governor, two each on recommendation of the State Historical Society and the State Federation of Women's Clubs. The state librarian is secretary of both commission and advisory board. Unfortunately \$6000 appropriated for traveling libraries was vetoed by the governor and consequently no advisory board has yet been appointed. There is danger that the numerous regular duties of so many ex officio authorities will interfere with the proper consideration

of library problems. But Washington is looking forward to a more stable administration and the centralization effected should produce good results under an efficient executive officer.

In Idaho also the commission of 1901 is displaced by a new one with the usual duties relating to free and traveling libraries. It is composed of the attorney general, secretary of state, president of the State University and superintendent of public instruction, who is also secretary. Under the guise of economy, to make such an important department a mere adjunct of an office already burdened with work distinctly its own looks like a step backward. The club women of the state who were instrumental in securing the original commission are entirely excluded from consideration. The annual appropriation was reduced from \$3000 to \$2500 and a bill aiming at much needed improvement in the State Library was killed.

Connecticut after 10 years of state aid to libraries appropriated \$2000 annually for a library inspector and traveling libraries and pictures.

Colorado, which like Maryland now has two commissions, established one in 1899 to advise public libraries with \$250 a year. A second is now added to have charge of traveling libraries with a two year appropriation of \$2000. Each has five members appointed by the governor, those of the second on nomination by the State Federation of Women's Clubs. The first consists entirely of men, the second of women. Both have headquarters in Denver, but apparently too far apart to combine and prevent waste of funds and effort in needless duplication.

In Wisconsin, where traveling libraries equipped through private funds have been so successfully conducted by the Free Library Commission since 1896, a distinct traveling library department is now added. The commission is to continue its supervisory relation to the various county traveling library systems which are independently organized and were given a legal status in 1901. It is authorized to cooperate with other commissions in publishing documents. For this enlargement of its duties, for the expansion of its legislative reference room and for strengthening its instructional work in the field the annual appropriation is doubled to \$18,000.

In Indiana the commission for the first time is assigned permanent quarters in the statehouse, and is authorized to provide courses of library instruction and serve public libraries generally for the best interests of the state. Annual reports are to be o'

tained from all libraries in the state and a full biennial report made to the governor. On account of a technical error the section of the law allowing employment of a secretary has been declared unconstitutional, leaving this office to the state librarian as formerly. The annual appropriation is raised from \$3000 to \$7000.

California adopted an amendment permitting loan of books from the State Library to persons other than members of the Legislature, one of the objects being the formation of traveling libraries. The librarian is also to collect statistics of and for public libraries in the state. The intention is ultimately to have the powers and duties of a commission vested in the State Board of Library Trustees. This is in line with the growing tendency toward unification of library interests within a state and centralizing them at the State Library.

There are 22 commissions in 20 states. Traveling libraries are maintained by 18 states and 10 make grants of money or books to public libraries. There is a constantly growing appreciation of what commissions may do to promote establishment of new libraries, aid and improve existing ones, and provide good reading matter free for isolated communities. To do this satisfactorily there should be one or more persons in thorough and intelligent sympathy with the work, who give it their full time and attention. There must be suitable rooms and office equipment. The best and largest results are being accomplished where there is a trained organizer, and a wise administration of grants from public funds implies systematic inspection.

The commission work appeals to all and is more and more fully developed and sustained.

The advance guards of traveling libraries are everywhere and the permanent, strongly founded, liberally supported public library is assuming its proper place.

Legislation of 1904

In 1904 legislative sessions were held in 16 states. Twelve of these passed 37 library laws of general application and a number of local acts. Geographically they are divided: North Atlantic states, 6 laws in 4 states; Southern, 15 laws in 6 states; North Central, 8, all in Ohio; Western, 8, all in Iowa.

In New York the unification bill is of first importance. It combines the University of the State of New York and the Department of Public Instruction, forming the Education Department. This is controlled by a board of 11, (formerly 23) Regents elected by the Legislature, one each year for a term of 11 years, (formerly chosen

for life). The chief executive, the commissioner of education, is elected for six years, and has large independent powers. He has appointed three assistant commissioners, a director of libraries and a director of science. In the library division are centralized all the library and home education activities of the state, including the State Library, common school, public and traveling libraries, traveling pictures, etc.

Public libraries. Considerable activity is manifest in the South. Alabama for the first time mentions library associations in a law which is only a brief addition to the code relating to corporations, stating that a library shall have three to nine trustees. Georgia has amended the law of 1901 which placed the management of public libraries in the hands of school authorities. This power is now vested in a board of trustees elected by the city council. This insures the attention of a board whose sole aim is to promote the growth and influence of the public library. In Ohio public libraries in cities and villages are to have six trustees, not over three from same political party, not over three women.

Joint control of public libraries. In Iowa, colleges and cities may jointly establish and maintain public libraries on such terms as may be mutually agreed on, the library tax and qualifications of trustees being the same as in other cities, the city treasurer to pay library taxes to library treasurer.

Transfer. In Ohio, municipalities may transfer suitable property to district public libraries. In Kentucky, free library corporations may transfer libraries to cities or towns for free use.

School libraries. New York raised the annual appropriation for school libraries from \$55,000 to \$100,000. Regulations for distribution are to be made by the commissioner of education. The state grant and its equivalent can be spent for approved books only. South Carolina follows the plan of North Carolina. When \$10 has been raised by private subscription in any district, the county and the state shall each appropriate a like amount. Districts may exchange libraries. \$5000 annually is appropriated and grants are limited to 12 schools a year in any one county.

Traveling libraries. New Jersey transfers the management of traveling libraries from the State Library to the Public Library Commission. This is contrary to the prevailing tendency, when changes are made, for the State Library to absorb the commission and assume its functions, as in New Hampshire, Ohio and Washington.

State libraries. In Kentucky the state librarian is to be elected by the General Assembly every four years, (formerly every two years) with salary increased from \$1000 to \$1200. Georgia raises the salary of the assistant librarian from \$800 to \$1200. Ohio gives \$5000 for erection and equipment of additional rooms for state library. Virginia permits books to be lent for 2 weeks instead of 10 days, repealing a clause forbidding the removal of a book from the city of Richmond and substitutes the advanced idea of inter-library loans and traveling libraries.

State documents. Seven states dealt with distribution and exchange of public documents. Rhode Island gives the State Library 25 copies of every state publication for distribution to libraries in the state. Iowa authorizes the secretary of state to exchange the Code for documents of foreign countries for the State Library. State documents are to be sent to colleges on application. Such documents as are not required for public use are referred to the state librarian and the curators of State Law Library and of the historical department on whose recommendation the Executive Council may dispose of documents.

Law libraries. In Alabama the Supreme Court librarian's salary is raised. Ohio provides for printing and distributing the catalogue of 1904 of the Supreme Court library and requires counties to pay librarian's salary where an association maintains a free law library. In Massachusetts incorporated law libraries are to receive free the same public documents as county law libraries.

Historical societies. Maryland gives \$4000 to State Historical Society to prepare and publish state archives. Ohio \$7500 for republishing 12 annual volumes of State Archaeological and Historical Society. Iowa appropriates \$7500 annually, formerly \$1000, for support of State Historical Society and \$200,000 to complete state historical, memorial and art building.

Tax. In Ohio, township trustees may levy annually 1 instead of $\frac{1}{10}$ mill for public libraries. Iowa raises the maximum tax in cities and towns to 2 mills, formerly 1 mill in first class and 2 in second class cities. In addition it permits 20% of the mulct tax to be given to public libraries.

Capital stock. In New Jersey educational, library or literary corporations may issue capital stock, change name, etc.

Penalties. Iowa fixes a penalty of \$100 or 30 days imprisonment for injury to library property. In Virginia one half the fine for damage to State Library property is to go to the library and it is made a misdemeanor not to return books within 2 weeks after notice.

New York State Education Department
New York State Library

REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25V

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LOCAL GOVERNMENT¹

DELOS F. WILCOX PH.D. SECRETARY CIVIC CLUB, GRAND RAPIDS

City government

The year under review was nearly barren of significant legislation directly concerning municipal affairs. There was little actual progress made in home rule, popular responsibility or other important movements of the time. There were no important city charters granted and no striking revisions of general municipal laws. Illinois adopted the constitutional amendment ['03 p.358] described in last year's review authorizing the Legislature to grant Chicago a new charter subject to acceptance by the people. Tennessee rejected the amendments ['03 ch.532] authorizing the exemption of manufacturing plants from local taxation, limiting municipal indebtedness and authorizing the Legislature to pass road, fence and stock laws for particular localities. Florida rejected a constitutional amendment ['03 p.643] to permit the division of municipalities into four classes and the enactment of legislation applying to the separate classes, instead of to all municipalities as now required.

The Legislature of Virginia passed laws providing for the extension or reduction of the corporate limits of cities. In either case the change of boundaries is determined by the courts. If it is a case of reducing the size of a city, what is necessary to bring the matter before the court is an ordinance of the council ['03 ch.329]. If, on the other hand, it is a question of extension, the matter may be brought before the court either by ordinance or by petition of 51% of the voters residing in the territory to be annexed.

Another Virginia act ['03 ch.505] gives the council of a city authority to redistrict the wards whenever it sees fit as well as when there is some ward having more than 3000 population in excess of the number in some other ward. The act of 1903 [ch.113 (ex. sess.)] providing for the representation of wards according to population was repealed ['03 ch.371 (ex. sess.)].

¹ See also Governors Messages and Index of Legislation, 2430.

In the special act incorporating the village of Salem ['04 ch.238] the New York Legislature made a somewhat unusual distinction among the functions of the electorate. Any township voter may help elect the village officials, but in order to be authorized to vote on raising money by taxation or special assessments a man must either have property on the tax rolls or else have a wife who does. Women taxpayers are also allowed to vote on these latter questions.

In Massachusetts, the Legislature passed a new charter for the city of Pittsfield ['04 ch.389] with a referendum attached. If the people rejected the act the first time, it was to be submitted to them again the next year.

In a few cases there were significant changes in the organization or power of cities. In New York for the city of Niagara Falls, a board of estimate and apportionment was established ['04 ch.300]. The board consists of only three members, the mayor, the president of the common council and the city treasurer, but has the usual powers with reference to the preparation of the budget. The common council has the final adoption of the estimates but has no authority to increase any of them. In cases where any member of the board is officially interested in the approval of bonds, the fixing of salaries or of the number of subordinates, his place on the board is taken temporarily by the corporation counsel.

The Maryland Legislature created a burnt district commission for Baltimore, to consist of the mayor and "four capable and upright citizens" appointed by him subject to confirmation by the second branch of the Council. It was required that two of the members should be chosen from the minority party and that no one holding any paid or unpaid office under the city should be eligible. The duties of the board were (1) to lay out, open, extend, widen, straighten or close any street in the burned district; (2) to establish a building line and width of sidewalks; (3) to open public squares and market places; and (4) to lay out additions and extensions to the wharves, docks and harbor. The reports of the commission have to be submitted to the Board of Estimates and the Board of Public Improvements acting as one body, and, if agreed to by them, referred to the council for approval by ordinance. The city is authorized to confer additional powers on the commission. The expense of carrying out their plans is to be met in the main by local assessments.

A New Jersey law passed in 1903 [ch.168] for the government of cities, but going into effect as to any particular city only when adopted by that city was amended so as to increase the powers of

the council at the mayor's expense ['04 ch.191]. Originally the mayor could appoint, suspend and remove police officers at will. Now he can suspend such an officer only temporarily. If he takes this course he must report to the council. After a hearing, the council may confirm the suspension, but a two thirds vote is required for that purpose. The appointment of the Board of Assessment and Revision is also transferred from the mayor to the council. The council is now composed of two aldermen from each ward instead of one from each ward and three at large, as formerly. Another New Jersey act ['04 ch.31] extends the terms of city counsel, treasurer and surveyor or engineer from one year to three years.

The new Ohio Code was amended, on the other hand, so as to increase the mayor's authority somewhat. Instead of filling a vacancy occurring from the death, resignation, removal or disability of any officer or director in any city department only till the next election, the mayor now has authority to fill the vacancy for the unexpired term ['04 p.78]. The mayor's powers with reference to impeachment are also increased ['04 p.385]. He is now authorized to file impeachment charges against a city official for misconduct in office, or any gross neglect of duty, gross immorality or habitual drunkenness, as well as for bribery and malfeasance.

But the most striking change made during the year in the way of increasing the mayor's authority was made by the Kentucky Legislature in an act governing cities of the first class, viz Louisville ['04 ch.25]. The Board of Public Works and the Board of Public Safety were formerly appointed by the mayor for four year terms, subject to confirmation by the Board of Aldermen. Now, the mayor is authorized to appoint the members and remove them at any time. The existing boards were legislated out of office, and an emergency declared in the following terms:

Whereas, It appears that there is a lack of responsibility and a conflict of authority among the members of said boards heretofore appointed for cities of the first class, and,

Whereas, It is believed that the mayor of the city should be responsible to the people for the good government of the city through the executive boards, and that he can be held responsible by the people only by virtue of his complete control of the boards appointed by him and his right to change the said boards and the members thereof, at pleasure, an emergency exists for the immediate enforcement of this act.

County and township government

There seems to be a general feeling of opposition to the extension of the terms of elective officers. During the year the people of Tennessee voted down a proposed constitutional amendment mak-

ing the terms of certain county officers four years instead of two, even though they were to be ineligible for a second term till four years after the expiration of the first ['03 ch.532]. A somewhat similar amendment was voted down in Florida also ['03 p.636].

Some important legislation with reference to county government was enacted in Ohio. The county commissioners were authorized to employ a clerk for his whole time, to appoint superintendents, janitors, keepers etc., to have charge of the jail, the courthouse, the bridges and other public structures ['04 p.304]. They were also authorized to employ an engineer and assistants, on request of the county surveyor, and to employ legal counsel to advise county boards and officers and bring and defend suits for the county. By another act the compensation of county commissioners was fixed on a sliding scale in proportion to the amount of property on the tax rolls, ['04 p.254]. A minimum of \$750 a year and a maximum of \$3500 a year were fixed. The salary of county surveyor in Ohio is limited to \$3000, the exact amount being fixed annually by the judges of the Court of Common Pleas; all fees are abolished ['04 p.313].

In New Jersey the office of register of deeds and mortgages was established for counties with more than 99,000 population ['04 ch.18], the term of office being fixed at five years and the duties of the office taken from the clerk of common pleas.

LOCAL FINANCE¹

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The year under review has been marked by no important developments in local finance so far as indicated by the messages of the governors or by the laws passed by state Legislatures. Ohio and New Jersey and Massachusetts are the only northern states which even require mention.

Governor Bates of Massachusetts renewed a recommendation previously made for a uniform system of municipal accounting. This was in line with the development of recent years in other states, but no results came from it in Massachusetts. In Ohio an act was passed ['04 p.271] making some slight amendments in the Ohio law of two years ago ['02 p.511] for uniform accounting. The new law requires that the annual reports from public institutions and taxing districts be filed with the Bureau of Inspection and Supervision of Public Accounts, within 30 days after the close of the fiscal year. If this is not done, the delinquency must be reported to the proper legal authority of the taxing district to secure the desired returns by compulsory legal process; and if this fails, application is to be made to the attorney general.

Another Ohio law ['04 p.270] permits the banks serving as depositories of cities and villages to furnish corporate surety bonds instead of personal bonds.

That the Ohio legislation of 1902 relating to municipalities ['02 p.20] was defective in still other respects, is shown by several laws of the past year relating to special assessments. But these new laws pertain to minor details merely. The most important is the one limiting special assessments for street improvements to one third of the taxed value of the property ['04 p.125].

As in previous years, indebtedness is a subject which calls forth more legislation than any other. Governor Bates of Massachusetts noted that many cities of that state had been permitted by special acts to incur indebtedness beyond the regular statutory limit, and advised the Legislature to pass no more special acts of that kind. New Jersey authorized cities to fund floating indebtedness "of any kind whatsoever" into 30 year bonds ['04 ch.164]. Texas passed a constitutional amendment giving further liberty for incurring indebtedness for local improvements, specially for irrigation. South Carolina submitted a constitutional amendment allowing the city of Greenville to increase its bonded debt to 15% of its taxable prop-

¹See also Governors Messages and Index of Legislation, 2550.

erty ['04 ch.3857]. In November the voters of Tennessee rejected a constitutional amendment limiting the indebtedness of counties, cities, and towns to 10% of the taxable property. Louisiana amended the law of 1902 ['02 ch.79] regarding the courthouse building of New Orleans so as to require that 50 year bonds be issued, not to exceed \$750,000, secured by a special lien on the courthouse and land. This is an invasion of the autonomy of a city by the state Legislature similar to the case of the city hall of Philadelphia. The provision for mortgaging the property of the city is also found in an Alabama law permitting plants for gas, water, or electric lights to be used as security for loans.

The southern cities, in the liberty they are seeking for borrowing money, are only showing one phase of the industrial development which the South is now enjoying; they are expanding their municipal activities in much the same way as did the cities of the northern states 20 years ago. We may, therefore, expect that for some time to come southern cities will be the subject of much legislation, with danger that the borrowing power will be abused.

MUNICIPAL FUNCTIONS¹

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Special and class legislation continues to be the dominating and almost exclusive method of extending and regulating the powers and functions of American municipalities. In 1904 there were 66 special city laws for particular cities in New York State, 43 in Massachusetts, 40 in Louisiana, 25 in Maryland and even 10 in Virginia, where a comprehensive general law had been enacted the previous year. Of the New York laws, no less than 21 applied only to New York city, including acts for such trivial matters as a change in the salaries of chaplains in the fire department and creating the office of chief lineman for the police telegraph service. There were four acts for Buffalo, and as many for Yonkers; and even special measures for each of three of the four cities of the second class for which a general law was enacted a few years ago. In Maryland eight special acts were passed for the city of Baltimore.

Nor are conditions much improved in most of the states where special legislation is prohibited. Laws apparently of general application or applying to a class of cities are enacted to meet conditions in a particular city, and so worded that no other city can make use of the powers conferred. A recent act of this kind in Minnesota has been declared unconstitutional because the basis of classification was too narrow.² This was an act [’03 ch.50] authorizing an issue of bonds for repurchasing municipal waterworks in cities under 10,000 population which had sold a municipal plant with a reservation of the right to repurchase, which in part applied only to the city of St Cloud. In many cases such acts are so phrased that it is difficult to detect their special nature.

Almost the only legislation of importance during 1904 which had a general application to all cities in the state were some amendments to the new Ohio municipal code.

Public safety

In this branch of municipal administration the most important measure was an act for reorganizing the police force of New Orleans [La. ’04 ch.32]. This provided for a new police board, to consist of the mayor and two resident taxpayers, to be appointed by the mayor and council and to serve without salary. This board is empowered to reorganize the police force, with regulations which seem to establish an effective merit system, based on definite quali-

¹See also Governors Messages and Index of Legislation, 2430.

²Thomas v. St Cloud, 97 N. W. Reporter, 125.

fications for appointment and promotion, the prohibition of political activity, and a system of disciplinary fines, while removals are to be made only on written charges and after a hearing.

Retiring pensions for members of police and fire departments are becoming more common, and a good deal of legislation on this subject was passed in 1904. A Massachusetts act ['04 ch.327] authorized towns to establish police and firemen's pensions on a two thirds vote at the annual town meeting. The existing Ohio legislation on the subject was amended ['04 p.241]. Police pensions were authorized in Louisville [Ky. '04 ch.12] and in four New York cities [N. Y. '04 ch.268, 285, 459, 617]; and firemen's pensions in South Carolina cities with over 20,000 population ['04 ch.279] and in Shreveport La. ['04 ch.177]. In Missouri, however, a proposed constitutional amendment ['04 p.279] authorizing police pensions was defeated at the November election.

Other statutes amended the law regulating the trials of policemen in New York city, established a fire and police board for the village of White Plains N. Y. ['04 ch.306] and a board of fire commissioners for Greenville S. C. ['04 ch.358], and authorized Ohio cities to license certain occupations and purchase or lease property for pesthouses ['04 p.504].

Public improvements

Special acts for the city of Baltimore hold first place in the new legislation for municipal public improvements. These include measures establishing a special commission to carry out plans for street improvements, public squares and market places, the extension of the harbor, the construction of public wharves and docks, in the region burned in the disastrous fire of February 1904; and other measures authorizing loans for sewerage, other street improvements and the extension of parks. Altogether the city was authorized to borrow \$19,000,000 on long time loans and \$4,000,000 on temporary loans for these various purposes.¹

A number of special acts were passed in various states, each dealing with several distinct classes of public works, such as water-works, sewers and lighting plants, and establishing boards to manage the combined undertakings.² For Baton Rouge La. a board of public works has been constituted ['04 ch.171] in a very peculiar manner. It consists of the presidents of three local banks, two citizens chosen by the city council and two others chosen by these five; and the whole board is established as "a permanent syndicate," with power to fill vacancies in its membership.

¹Md.'04 ch.3, 87, 274, 338, 349, 444, 463, 468.

²Mass.'04 ch.3, 106; Md.'04 ch.204; Ga.'04 p.191, 546, 549; Miss.'04 ch.183.

Public parks may now be established by the towns of New Jersey ['04 ch.37] and the townships of Ohio ['04 p.411]. In the latter state there must first be a referendum vote, and the expenditure is limited to the proceeds of a tax of one mill on the dollar. New Jersey towns may issue bonds to purchase park property; and by another act ['04 ch.150] cities of the second class in that state may borrow up to \$10,000 a year for park improvements. In Iowa cities of less than 40,000 population, park commissioners are to be unsalaried ['04 ch.36]. Special acts conferring park powers have also been passed for Rochester and other New York cities ['04 ch. 245, 327, 412, 629], Fall River and Salem in Massachusetts ['04 ch. 195, 279], and Louisville [Ky. '04 ch.109].

Minor public improvements are authorized by other legislation. The additional powers given to Ohio cities ['04 p.504] include authority to establish, maintain and regulate market places, drinking fountains and public toilet stations. In New Jersey the optional city law is amended ['04 ch.191] to authorize the cities under it to construct boulevards and piers on the ocean beach. In Massachusetts, the Metropolitan Park Commissioners are authorized to construct a public bath on Nahant beach; and the town of Brookline is authorized to erect and maintain a public gymnasium ['04 ch.157, 326].

Municipal ownership

More than 30 statutes, affecting as many cities, were passed in 1904 authorizing the construction or extension of municipal waterworks. Twelve were in Massachusetts¹, five in New Jersey², and others in New York ['04 ch.187, 471, 629], Rhode Island ['04 ch.1170, 1180, 1181], Ohio ['04 p.620], Virginia ['04 ch.87, 197, 262, 484], Georgia ['04 p.191, 686], and Mississippi ['04 ch.183, 186, 188]. The most important was for an additional loan of \$1,500,000 to continue the construction of the new Cincinnati waterworks. A Pennsylvania law of 1901 [ch. 113] authorizing boroughs in that state to provide a water supply by municipal works or by contract has been declared unconstitutional in so far as it impairs existing contracts.³

Special legislation authorizing municipal lighting plants in eight small communities was passed in two New England and four southern states.⁴ Four of these authorized municipal gas plants.

¹Mass. '04 ch.86, 90, 93, 126, 131, 133, 180, 197, 225, 276, 341.

²N. J. '04 ch.39, 52, 77, 146, 201.

³Potter County Water Co. v. Borough of Austin, 55 A 991. .

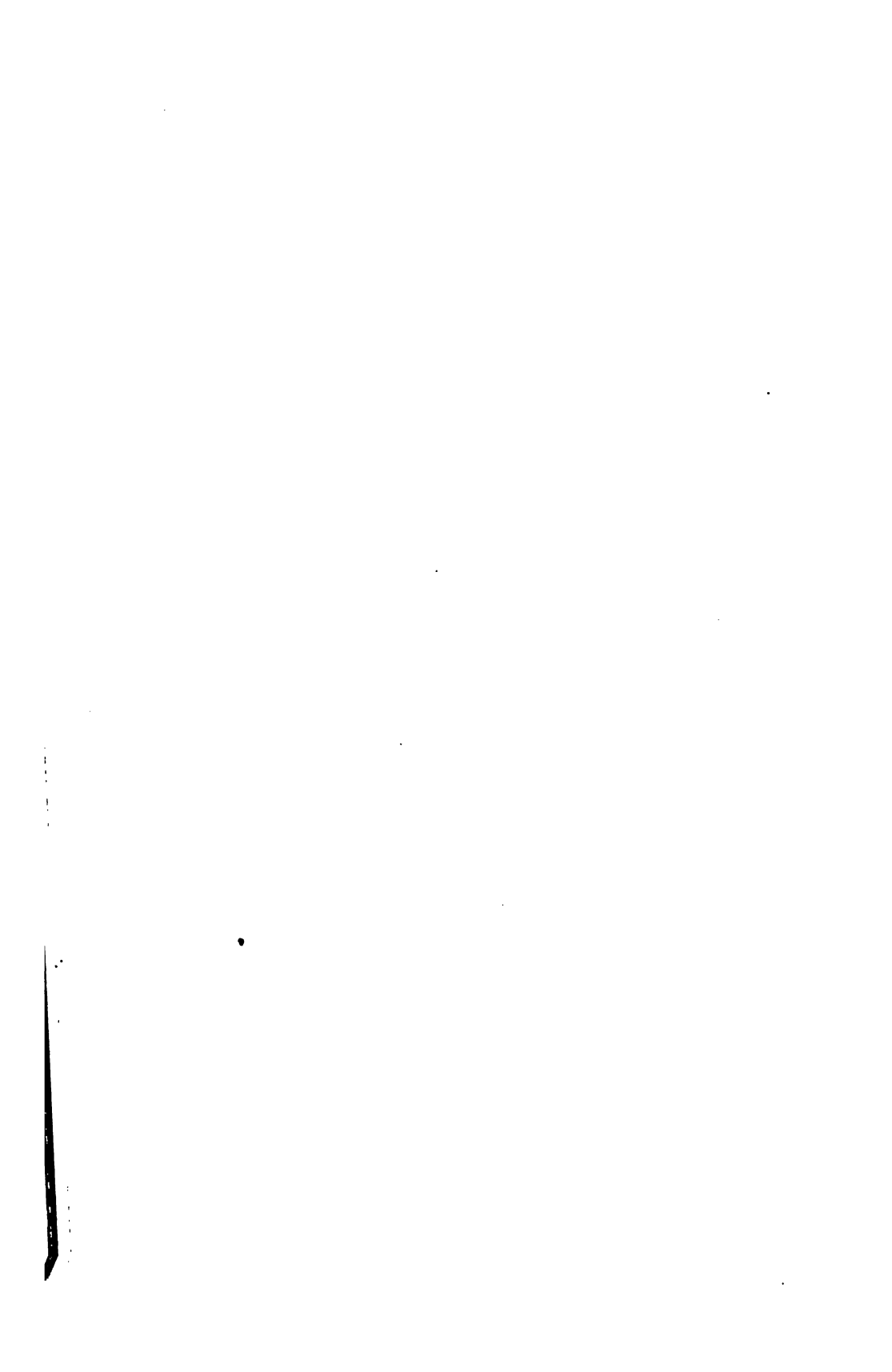
⁴Mass. '04 ch.160; R. I. '04 ch.200; Va. '04 ch. 200, 215, 236; Ga. '04 ch. 546, 668, 670; Miss. '04 ch.83.

In two cities important extensions to existing municipal shipping terminals were authorized. The harbor improvements for Baltimore have already been noted, as part of the comprehensive scheme of public works in that city. The other instance is the southern port of New Orleans, where the Port Commissioners have been empowered [La. '04 ch.44] to issue \$2,000,000 in bonds for constructing wharves and warehouses.

Franchises and control of public service corporations

No very important legislation on franchises was enacted in 1904. Ohio cities ['04 p.504] have received additional power to grant franchises for heating plants and movable rolling roads. In both cases the right to regulate rates every five years must be reserved; and for rolling roads the consent of the owners of two thirds of the property along the streets affected must be secured. Kentucky has authorized the city of Louisville ['04 ch.81] to regrant existing franchises 18 months before expiration to the highest bidder "on terms which shall be fair and reasonable to the public, to the corporation and to the patrons of the corporation." If the city decides to purchase (two years or more after the passage of this act and within two years of the expiration of the franchise), it is not compelled to renew the grant. In this case the purchase price is to be determined by arbitration, valuing the plant as a going concern, but with no allowance for estimated future growth. Kentucky towns of the sixth class are empowered to make contracts for water and lights; the same class of towns may not sell their water front, but can lease it for not more than 20 years, except that wharf privileges may not be rented for more than one year ['04 ch.95]. In New York cities from 50,000 to 250,000 population ['04 ch.454] existing street franchises may be renewed without bids or advertisements, by the council with the approval of the mayor and board of estimate and apportionment. The Virginia franchise law of 1903 [ch.138] has been repealed ['03 ch.570]; but this does not seem to affect the practically identical provisions in the general municipal corporations act, ['03 ch.269] which was passed after the franchise law.

Mississippi has joined the list of states which authorize municipalities to establish maximum rates for water, gas and electric light supplied by private corporations ['04 ch.182]. The rates fixed are limited by the terms of existing contracts, and are subject to review by the Chancery Court. Ohio has extended the right to regulate rates to include water; but has also extended the restriction, which prevents lowering rates once fixed and accepted for a period of 10 years, to include electricity as well as gas ['04 ch. 114, 263].



New York State Education Department
New York State Library

REVIEW OF LEGISLATION 1904

LEGISLATION BULLETIN 25W

ROAD LEGISLATION¹

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DEPARTMENT OF AGRICULTURE**

Several measures intended to stimulate and aid in the construction and improvement of roads were adopted during the year 1904. The state aid movement which originated in New Jersey about 12 years ago and Massachusetts is now becoming general. Measures embodying some of the principles of state aid, state cooperation or supervision have now been adopted by all the New England States, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Illinois, Iowa, Minnesota, Idaho and California. Owing to the rapid introduction of the automobile for business and for pleasure a considerable share of the lawmaking in regard to roads during 1904 was directed toward the regulation of motor vehicles on country highways.

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South Carolina. An annual tax levy is provided for ['04 ch.216]. On a written petition of one fourth the resident electors and one fourth the resident freeholders 21 years old, the county commissioner must order an election on the question of a tax levy, not to exceed 2 cents on \$100. Any surplus of the tax collected in any year, which remains till the next year, is still to be used for road improvement.

Vermont. The Vermont plan for state aid for highway improvement assesses annually a state tax of 5 mills on the dollar, to which is added the revenues from the local option license law. The fund for the year 1904 was \$130,811.37. This is apportioned to all the towns in the state, proportional to mileage of roads in each town.

Virginia. A comprehensive law was enacted ['04 ch.106] which puts the control and management of roads, bridges, and landings in the hands of the county supervisors. They are to locate and maintain roads, and for the purpose may take any necessary lands by due legal process. They are to levy annually a county tax not exceeding 40 cents on \$100 for certain road uses and also a magisterial district tax not exceeding 40 cents on \$100 for certain road uses. If the levy exceeds 30 cents on \$100 the question whether such tax shall be levied must be submitted to a vote of the people. They are to appoint in January, biennially, a road superintendent who shall be a civil engineer or a person well versed in road building. This superintendent is to keep the roads in order, and with certain restrictions may take material from private property for the purpose. Bond issues for road improvement are provided for. On petition of the county supervisors the Circuit Court may order an election on the question of such bond issue and if three fifths of the qualified voters, including three fifths of the freeholders, are for it, the bonds are to be issued and a tax levied to pay them. But the bonded indebtedness is not to be made so large that the interest charge will require a yearly tax exceeding 20 cents on \$100. The courts, on application of the road supervisors, are to send the jail prisoners to work on the roads. The Circuit Court may grant authority to build a tramroad not over 6 feet wide along any public road. The supervisors may macadamize any road, and may take possession of and maintain any turnpike abandoned by its owners. An amendment ['04 ch.42] provides for the continuance of tolls on turnpikes and fixes the rates.

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fications for appointment and promotion, the prohibition of political activity, and a system of disciplinary fines, while removals are to be made only on written charges and after a hearing.

Retiring pensions for members of police and fire departments are becoming more common, and a good deal of legislation on this subject was passed in 1904. A Massachusetts act ['04 ch.327] authorized towns to establish police and firemen's pensions on a two thirds vote at the annual town meeting. The existing Ohio legislation on the subject was amended ['04 p.241]. Police pensions were authorized in Louisville [Ky. '04 ch.12] and in four New York cities [N. Y. '04 ch.268, 285, 459, 617]; and firemen's pensions in South Carolina cities with over 20,000 population ['04 ch.279] and in Shreveport La. ['04 ch.177]. In Missouri, however, a proposed constitutional amendment ['04 p.279] authorizing police pensions was defeated at the November election.

Other statutes amended the law regulating the trials of policemen in New York city, established a fire and police board for the village of White Plains N. Y. ['04 ch.306] and a board of fire commissioners for Greenville S. C. ['04 ch.358], and authorized Ohio cities to license certain occupations and purchase or lease property for pesthouses ['04 p.504].

Public improvements

Special acts for the city of Baltimore hold first place in the new legislation for municipal public improvements. These include measures establishing a special commission to carry out plans for street improvements, public squares and market places, the extension of the harbor, the construction of public wharves and docks, in the region burned in the disastrous fire of February 1904; and other measures authorizing loans for sewerage, other street improvements and the extension of parks. Altogether the city was authorized to borrow \$19,000,000 on long time loans and \$4,000,000 on temporary loans for these various purposes.¹

A number of special acts were passed in various states, each dealing with several distinct classes of public works, such as waterworks, sewers and lighting plants, and establishing boards to manage the combined undertakings.² For Baton Rouge La. a board of public works has been constituted ['04 ch.171] in a very peculiar manner. It consists of the presidents of three local banks, two citizens chosen by the city council and two others chosen by these five; and the whole board is established as "a permanent syndicate," with power to fill vacancies in its membership.

¹Md.'04 ch.3, 87, 274, 338, 349, 444, 463, 468.

²Mass.'04 ch.3, 106; Md.'04 ch.204; Ga.'04 p.191, 546, 549; Miss.'04 ch.183.

Ohio and Iowa have enlarged the purposes for which municipalities may employ the power of eminent domain. In Iowa ['04 ch.37] cities and towns may now exercise this power within or without the municipal limits for sewer outlets, and garbage and sewage disposal plants. In Ohio ['04 ch.300, 333] property may be condemned for boulevards, parkways and esplanades around public buildings, and for water, gas and electric light works, including the rights necessary for the construction of dams.

On street improvements in general we may note two New Jersey laws regulating the procedure for such undertakings: one ['04 ch.91] subject to adoption by a referendum vote, and another ['04 ch.131] authorizing the council in towns under the general town law to initiate proceedings, in place of a petition by the property owners. In Louisiana the law regulating the procedure for such improvements was also amended ['04 ch.131].

Rather more important are statutes in reference to sidewalks in several states: New York and Ohio laws¹ authorize villages to pay part of the cost of constructing stone or cement sidewalks from general taxation. In New Jersey ['04 ch.125] all municipalities are authorized to require the removal of snow and grass from sidewalks, and on failure, to have the work done by the city and special assessments levied for the cost. Ohio and Iowa statutes² regulate the method of making special assessments for sidewalk construction.

New Jersey has enacted several statutes³ in reference to sewer construction, which apparently are of general application. One provides for the extension of existing sewer systems on the petition of property owners, two thirds of the cost to be collected by special assessments and one third by the city. Another increases the authorized annual expenditure of cities for sewer extension from \$75,000 to \$150,000. And a third authorizes cities under 12,000 population to maintain sewerage systems from general taxation. Iowa repealed the law relating to sewer construction in the smaller towns, and extended the provisions of the law for cities of the first and second class to include towns ['04 ch.26, 31]. In Louisiana a constitutional amendment has been adopted authorizing the creation of sewerage districts ['04 ch.186]. Special acts authorizing bond issues for sewer construction in certain cities have been passed in Massachusetts ['04 ch.196, 309, 312], Rhode Island ['04 ch.1169], Maryland ['04 ch.125], Georgia ['04 p.191, 546], and Mississippi ['04 ch.183].

¹N. Y. '04 ch.122; O. '04 p. 481.

²O. '04 p. 384; Ia. '04 ch. 30.

³'04 ch.2, 55, 85, 95, 152; ex. sess. ch.2.

Public parks may now be established by the towns of New Jersey ['04 ch.37] and the townships of Ohio ['04 p.411]. In the latter state there must first be a referendum vote, and the expenditure is limited to the proceeds of a tax of one mill on the dollar. New Jersey towns may issue bonds to purchase park property; and by another act ['04 ch.150] cities of the second class in that state may borrow up to \$10,000 a year for park improvements. In Iowa cities of less than 40,000 population, park commissioners are to be unsalaried ['04 ch.36]. Special acts conferring park powers have also been passed for Rochester and other New York cities ['04 ch. 245, 327, 412, 629], Fall River and Salem in Massachusetts ['04 ch. 195, 279], and Louisville [Ky. '04 ch.109].

Minor public improvements are authorized by other legislation. The additional powers given to Ohio cities ['04 p.504] include authority to establish, maintain and regulate market places, drinking fountains and public toilet stations. In New Jersey the optional city law is amended ['04 ch.191] to authorize the cities under it to construct boulevards and piers on the ocean beach. In Massachusetts, the Metropolitan Park Commissioners are authorized to construct a public bath on Nahant beach; and the town of Brookline is authorized to erect and maintain a public gymnasium ['04 ch.157, 326].

Municipal ownership

More than 30 statutes, affecting as many cities, were passed in 1904 authorizing the construction or extension of municipal waterworks. Twelve were in Massachusetts¹, five in New Jersey², and others in New York ['04 ch.187, 471, 629], Rhode Island ['04 ch.1170, 1180, 1181], Ohio ['04 p.620], Virginia ['04 ch.87, 197, 262, 484], Georgia ['04 p.191, 686], and Mississippi ['04 ch.183, 186, 188]. The most important was for an additional loan of \$1,500,000 to continue the construction of the new Cincinnati waterworks. A Pennsylvania law of 1901 [ch. 113] authorizing boroughs in that state to provide a water supply by municipal works or by contract has been declared unconstitutional in so far as it impairs existing contracts.³

Special legislation authorizing municipal lighting plants in eight small communities was passed in two New England and four southern states.⁴ Four of these authorized municipal gas plants.

¹Mass. '04 ch.86, 90, 93, 126, 131, 133, 180, 197, 225, 276, 341.

²N. J. '04 ch.39, 52, 77, 146, 201.

³Potter County Water Co. v. Borough of Austin, 55 A 991. .

⁴Mass. '04 ch.160; R. I. '04 ch.200; Va. '04 ch. 200, 215, 236; Ga. '04 ch. 546, 668, 670; Miss. '04 ch.83.

In two cities important extensions to existing municipal shipping terminals were authorized. The harbor improvements for Baltimore have already been noted, as part of the comprehensive scheme of public works in that city. The other instance is the southern port of New Orleans, where the Port Commissioners have been empowered [La. '04 ch.44] to issue \$2,000,000 in bonds for constructing wharves and warehouses.

Franchises and control of public service corporations

No very important legislation on franchises was enacted in 1904. Ohio cities ['04 p.504] have received additional power to grant franchises for heating plants and movable rolling roads. In both cases the right to regulate rates every five years must be reserved; and for rolling roads the consent of the owners of two thirds of the property along the streets affected must be secured. Kentucky has authorized the city of Louisville ['04 ch.81] to regrant existing franchises 18 months before expiration to the highest bidder "on terms which shall be fair and reasonable to the public, to the corporation and to the patrons of the corporation." If the city decides to purchase (two years or more after the passage of this act and within two years of the expiration of the franchise), it is not compelled to renew the grant. In this case the purchase price is to be determined by arbitration, valuing the plant as a going concern, but with no allowance for estimated future growth. Kentucky towns of the sixth class are empowered to make contracts for water and lights; the same class of towns may not sell their water front, but can lease it for not more than 20 years, except that wharf privileges may not be rented for more than one year ['04 ch.95]. In New York cities from 50,000 to 250,000 population ['04 ch.454] existing street franchises may be renewed without bids or advertisements, by the council with the approval of the mayor and board of estimate and apportionment. The Virginia franchise law of 1903 [ch.138] has been repealed ['03 ch.570]; but this does not seem to affect the practically identical provisions in the general municipal corporations act, ['03 ch.269] which was passed after the franchise law.

Mississippi has joined the list of states which authorize municipalities to establish maximum rates for water, gas and electric light supplied by private corporations ['04 ch.182]. The rates fixed are limited by the terms of existing contracts, and are subject to review by the Chancery Court. Ohio has extended the right to regulate rates to include water; but has also extended the restriction, which prevents lowering rates once fixed and accepted for a period of 10 years, to include electricity as well as gas ['04 ch. 114, 263].

ROAD LEGISLATION¹

M. O. ELDRIDGE, OFFICE OF PUBLIC ROAD INQUIRIES, UNITED STATES
DEPARTMENT OF AGRICULTURE

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Mississippi. An amendment to §311 of the Code of 1892 ['04 ch.140] enables any county to issue bonds, to run not to exceed 25 years, for the construction of public roads, and provides for a special tax to pay off such bonds. These bonds, however, must not raise the bonded indebtedness of the county above 5% of its taxable property.

New Jersey. Planting and care of shade trees in the public highways of cities is authorized ['04 ch.142], the cost of planting to be borne by the owner of abutting property. Two minor acts ['04 ch.133, 138] supplement the laws for acquisition of turnpikes and control of plank roads. The state appropriation for road building 1904, was \$250,000, and the average cost of macadam roads, 14 feet wide and 6 inches deep was \$7000 a mile. The state pays one third the cost of building certain public roads.

New York. A motor vehicle law ['04 ch.538] replaces previous legislation on this subject. It provides for registration, numbers, badges, brakes, lamps, signals etc. and directs that on meeting animals in use on the road every reasonable precaution must be taken by the motor operator to prevent accident. On signal from person in charge of the animals the motor vehicle must stop and, if necessary, cause the motor to cease running till the danger has passed. Speed limits are fixed, but races are provided for under the control of local authorities and with proper restrictions for the safety of the public. Local ordinances requiring license or excluding from the highway motor owners who have complied with the state law are forbidden. Penalties for violation of the law run from \$25 to \$100 fine and 10 days imprisonment. Other acts make changes in the relations of the state engineer to the actual work of road construction, and authorize the highway commissioner to take under process of law any ground necessary for ditches or drains in connection with road building. The total amount available for road building and maintenance in 1904 was \$3,524,480. The average cost of macadam roads in the state in 1903 was \$8063 a mile. The state pays one half the cost of building state roads.

Ohio. Counties are authorized to buy toll roads and maintain them as free turnpikes ['04 p.131]. Bond issues not to exceed \$225,000, with tax levy not to exceed 1 cent on \$100 for payment, are provided for; but the bonds must be voted by the people of the county. Another act ['04 p.575] permits the creation of separate road districts of the several townships and authorizes a tax for improvements. The tax may not exceed 6 cents on \$100. The creation of the road district must be voted by the people of the township. A third law ['04 p.550] provides that on petition of 100 taxpayers of the township for public road improvement the trustees of any township must hold an election on the question of improving roads by general taxation. A fourth law ['04 p.434] provides that any county through which the old national road extends shall expend on its improvement all the money on hand or henceforth received as tolls on that road.

Pennsylvania. The apportionment from the state fund for road building, an original total of \$6,500,000, was \$500,000 for 1904. The state pays two thirds the cost of state roads.

Rhode Island. An appropriation of \$105,000 was made to be expended under the direction of the State Board of Public Roads during the year 1904. A motor vehicle act ['04 ch.1157] provides for registration, numbers, locks, brakes, signals, lights, and directs

the operator to use every reasonable precaution to avoid frightening horses on the road. The penalty is \$20 or imprisonment not exceeding three months. Money collected is to go for road improvement.

South Carolina. An annual tax levy is provided for ['04 ch.216]. On a written petition of one fourth the resident electors and one fourth the resident freeholders 21 years old, the county commissioner must order an election on the question of a tax levy, not to exceed 2 cents on \$100. Any surplus of the tax collected in any year, which remains till the next year, is still to be used for road improvement.

Vermont. The Vermont plan for state aid for highway improvement assesses annually a state tax of 5 mills on the dollar, to which is added the revenues from the local option license law. The fund for the year 1904 was \$130,811.37. This is apportioned to all the towns in the state, proportional to mileage of roads in each town.

Virginia. A comprehensive law was enacted ['04 ch.106] which puts the control and management of roads, bridges, and landings in the hands of the county supervisors. They are to locate and maintain roads, and for the purpose may take any necessary lands by due legal process. They are to levy annually a county tax not exceeding 40 cents on \$100 for certain road uses and also a magisterial district tax not exceeding 40 cents on \$100 for certain road uses. If the levy exceeds 30 cents on \$100 the question whether such tax shall be levied must be submitted to a vote of the people. They are to appoint in January, biennially, a road superintendent who shall be a civil engineer or a person well versed in road building. This superintendent is to keep the roads in order, and with certain restrictions may take material from private property for the purpose. Bond issues for road improvement are provided for. On petition of the county supervisors the Circuit Court may order an election on the question of such bond issue and if three fifths of the qualified voters, including three fifths of the freeholders, are for it, the bonds are to be issued and a tax levied to pay them. But the bonded indebtedness is not to be made so large that the interest charge will require a yearly tax exceeding 20 cents on \$100. The courts, on application of the road supervisors, are to send the jail prisoners to work on the roads. The Circuit Court may grant authority to build a tramroad not over 6 feet wide along any public road. The supervisors may macadamize any road, and may take possession of and maintain any turnpike abandoned by its owners. An amendment ['04 ch.42] provides for the continuance of tolls on turnpikes and fixes the rates.

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References from either of these indexes will be mailed on application subject to a fee covering cost of copying whenever more than a page of copying is required.

New York State Library and Home Education

Scope of library. The State Library includes general, sociology, law, medical, education and history libraries and the Library School. Besides the usual work of a great reference library, its field covers compilation of catalogues, bibliographies, indexes, reference lists and other aids for readers not having direct access to the library, also loans of books to students and promotion of general library interests of the State.

Use. As the library was founded for the benefit of the whole State, books not readily accessible elsewhere and not so much used at Albany as to make their brief absence from the shelves serious are lent under the rules guarding against loss or undue detention to:

- 1 Any institution in the University.
- 2 Any registered public or free library.
- 3 Responsible heads of state institutions, departments or courts, or to those connected with the state government and needing books for use in their official work.
- 4 Registered study clubs, extension centers, summer schools or other recognized educational agencies.
- 5 Any resident of the State making studies or investigations in which he needs the assistance of the State Library, provided that his responsibility is known to the library or that he gives satisfactory references or makes a deposit covering the value of the books.

The library recognizes this lending of books to distant points as a very important part of its work and aims to help the largest number possible of those needing its assistance, not only by lending but also by recommending the best books and furnishing, through its Home Education Department, devoted specially to such work, printed or manuscript aids to those pursuing studies or courses of reading without a teacher.

Home Education. This includes promotion, sympathetic assistance and supervision of summer, vacation, evening and correspondence schools and other forms of extension teaching, lectures, university extension courses, study clubs, lyceums, debating societies, literary clubs and other agencies for promoting and extending more widely opportunities and facilities for education to those unable to attend the usual teaching institutions.

The most potent factors in home education are: (1) putting the best reading within reach of all citizens by traveling libraries and annotated book lists; (2) aid given in organizing new and increasing efficiency of established local libraries by the public libraries division, through which the State yearly expends about \$60,000 for the benefit of free libraries. This division is devoted to promoting general library interests of the State and in all practicable ways assisting communities willing to do their part in providing the best reading for their citizens.

For further information address

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